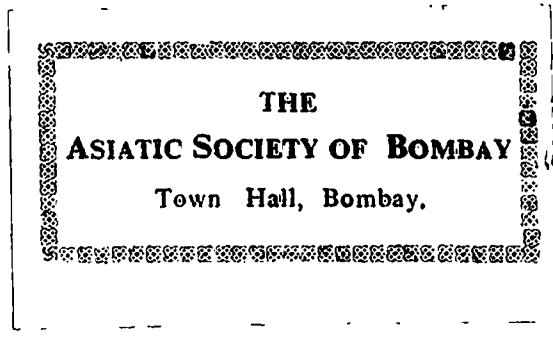
00023572



Digitized with financial assistance from the
Government of Maharashtra
on 21 October, 2015

Face Vol. 2

Sir George Jeffries.

B.2627.

THE

LIFE

OF THE

RIGHT HONOURABLE

FRANCIS NORTH,

BARON OF GUILFORD,

LORD KEEPER OF THE GREAT SEAL, UNDER KING CHARLES II. AND KING JAMES II.

WHEREIN ARE INSERTED

THE CHARACTERS OF SIR MATTHEW HALE, SIR GEORGE JEFFRIES, SIR LEOLINE JENKINS, SIDNEY GODOLPHIN,

AND OTHERS THE MOST EMINENT LAWYERS AND STATESMEN OF THAT TIME.

23572 a.c

BY THE HON. ROGER NORTH.

Unus oculatus testis præstat auritis decem.

SECOND EDITION.

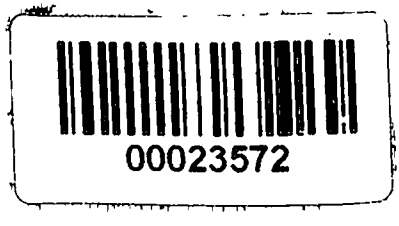
VOL. II.

LONDON:

Printed for W. CLARKE and SONS, Portugal Street, Lincoln's Inn.

1808.

923.442
Nor/Nor/Lif
23572



W. Flint, Printer, St. Sepulchre's

THE

LIFE

OF THE

RIGHT HON. FRANCIS NORTH,

LORD GUILFORD,

LATE

LORD KEEPER OF THE GREAT SEAL OF ENGLAND.

BUT, to return; in the greateſt difficulty that ever fell upon king Charles the ſecond, from the parliament, and indeed the whole nation, which was corrupted with the air of Oates's plot, the king made a dangerous experiment; which was a reform of his privy council, diſſolving the old one, and conſtituting one anew; which took in the lord Shaftſbury as preſident, and the heads of the malecontent party of both houſes; as may be ſeen in the Examen. This ſtruck the loyal party to an aſtoniſhment; but the king made uſe of his beſt friends, and, among others, took in the lord chief juſtice North; which made him wonder to find himſelf in ſuch company: but all turned

right at laſt. Not long after this, his lordſhip was taken into the cabinet; where, as to all matters that related to the law, and ordinary policy, upon the foot of the king's true intereſt, he had almoſt a judicial regard.

Earl of Danby impeached, pardoned, pleaded, diſputed.

The earl of Danby thought he could ſerve himſelf of this plot of Oates, and accordingly endeavoured at it; but it is plain that he had no command of the engine; and, inſtead of his ſharing the popularity of nurſing it, he found himſelf ſo intrigued that it was like a wolf by the ears; he could neither hold it, nor let it go; and, for certain, it bit him at laſt: juſt as when a barbarous maſtiff attacks a man, he cries poor cur, and is pulled down at laſt. So the earl's favour did but give ſtrength to the creature to worry him. Herein he failed, 1. In joining to aid a deſign of which he did not know the bottom. 2. In thinking a lord treaſurer, that had enriched himſelf and his family, could ever be popular. And the plot went ſo far againſt him that he was within an ace of being accuſed of Godfrey's murther. But this was late. In the mean time, upon the producing of ſome letters of his to Mr. Montagu the embaſſador in France, in the houſe of commons, importing a treaty between the King of England and the King of France, for money to be paid upon the peace, he was impeached; articles of high treaſon was brought up, and he was committed, and, afterwards, pardoned, the pardon pleaded,

and the validity of it diſputed by the commons. It was firſt conſidered if the earl ſhould venture to plead the pardon, or no, leſt (in caſe the pardon were diſallowed, and his plea over-ruled) it would be peremptory, and he not be admitted to plead over, as *non cul*, or what other ſpecial matter he had to defend by.

Caſe of the earl of Danby's pardon conſidered.

But notwithſtanding this hazard, that if the lords had judged againſt the king's power to pardon after an impeachment lodged in the houſe of peers, he might not be allowed to have pleaded over, taking the pardon pleaded, as is uſually held, to be a confeſſion of the fact; yet he did plead his pardon to the impeachment, and relied upon it. And ſo it ſtood, at the diſſolution of the Weſtminſter parliament, ready to be argued and debated in the Oxford parliament. And, if the expedite diſſolution had not prevented, it might have made much ado between the lords and commons; for it was not probable that the lords, by enervating the king's pardon, would have left themſelves liable to be impeached, and out of the power of the king's mercy. But the faction, in all diſcourſe and writing, aſſerted the non-validity of the pardon, with all the earneſtneſs that could be; and, at the ſame time, the men of law ſtared at ſuch a pretence, as an unheard-of innovation, accounting the offence in the impeachment to be the ſame as in other courts that have cognizance of it; that is.

treaſon againſt the king; which, as all felonies and miſdemeanors are, is puniſhable at the king's ſuit, and may be releaſed by him; the impeachment being but as an indictment in the high court of parliament, which is the king's ſuit.

The extravagance of arguers for wilful predeterminations.

There is a certain heathen Engliſh philoſopher that ſays, *when reaſon is againſt men, men will be againſt reaſon;* which notable, worldly ſaying never ſhined brighter in any inſtance than in this; for it is hard to pick out of the whole law, a maxim more ſure than *that the king can pardon all high treaſons* univerſally. And yet, when paſſion was at work, and reſolution taken to urge the lord Danby to the death (for what reaſons; whether to preſs ſome ſecrets out of him, or otherwiſe, touching the deſperate dependences of the time, I attempt not to ſay here) it's no wonder that arguments, ſuch as they were, grew up like muſhrooms. His lordſhip uſed to obſerve the method, when points were previouſly reſolved upon, which could not be maintained directly; as here, *that the king cannot pardon.* Firſt, ſay they to themſelves, is there any caſe of offences by law, that the king cannot pardon? yes; private rights, as appeals, and common nuiſances. Say you ſo? then this impeachment is for a right of the people, and is their private ſuit by their repreſentatives the commons; and, rather than fail, call the offence a nuiſance. And, turning the tables, ſee how with poſi-

tive naming and aſſerting, if people importunely give way to it, and quit the plain text of the law, any thing may be ſtood upon. It may be proved that the king can pardon bonds and mortgages. For aſk, firſt, what can the king pardon? anſwer, outlawries, and treſpaſſes *vi & armis*. Then, becauſe a man may be outlawed in debt, call the bond an outlawry; and, becauſe a man may enter by virtue of his mortgage, call it a treſpaſs with force. It will be ſaid that theſe points are too impudently urged: I grant it. And what is to be ſaid of the other; for, in kind, they are the ſame? his lordſhip was always of opinion that all falſe reaſonings, in matters of life and property, were of dangerous conſequence; and that men are not aware of the miſchiefs to the public, when, from high places, times ſerve themſelves of them. For which reaſon his ordinary ſentence, on ſuch occaſions, was *nova, non vetus orbita fallit*.

The bailing of the earl by the King's Bench, which his lordſhip thought not practicable.

I do not meddle here with the hiſtory of the caſe of the earl of Danby at large. It may be found in the Examen, and, for fail, in his own memoirs. But I cannot omit one paſſage, touching only his lordſhip's concern reſpecting the parliament: and that is the point of his being bailed; wherein his lordſhip differed from ſome of his brethren. The queſtion turned upon the authority of parliament. He ſtood committed by the lords, upon his impeachment, when the Weſtmin-

ſter parliament was diſſolved; and, at the ſame time, the untried lords, committed for Oates's plot, lay there on the like account. And now both the earl and the Popiſh lords thought that, by joint influence, they might get to be bailed. Accordingly, upon the return of an Habeas Corpus, his lordſhip, the earl of Danby, was brought up and appeared in the King's-Bench court. The caſe made a great noiſe, and raiſed a great expectation what would be the iſſue. His lordſhip, being conſulted (though not of that court) anſwered that he was of opinion that the court of King's-Bench, being inferior in juriſdiction to the houſe of lords, could not bail their priſoner, after he had been charged by ſpecial articles: for they had no means to bring down the record, whereby to determine any thing of the cauſe of his commitment; and, for ought that they could judicially know, he might be attainted of the treaſon. It is certain that the lord Jeffries, then chief juſtice, in court, refuſed it; and yet he was a great ſtirrer up of the point, in order to gain the other judges to countenance his (then declared) opinion for the bailing; which was taken ill, as may be touched elſewhere. So the lords were not bailed at that time. But, in the reign of king James II. they were ſet free; and (with the peace of all forms) I think very juſtly; for it is a prodigious injuſtice to hold men in priſon perdue, without any trial, or recourſe for

liberty: And, if the giving it was irregular, it was erring for juſtice; and one would think that ſuch conſideration might purge the irregularity. But nothing hath ever been ſaid againſt it, in public, yet; and, ſo far, all is well. His lordſhip had a revelation in his mind, that this bailing of Danby was a thorn puſhed towards him; though nothing came of it.

An high ſteward neceſſary upon impeachments. His lordſhip's thoughts of the magnum concilium.

While the caſe of the earl of Danby depended in parliament, there was a factious pamphlet publiſhed, which aimed to prove the judicature of the lords almoſt ſovereign; and that all courts, eccleſiaſtical as well as temporal, were ſubject to it, and appealable; that the houſe was the magnum concilium, the great council, in the ſenſe of ancient records; that, in trials for treaſon, the peers were judges of the court; and that there was no other court but the houſe itſelf; and that there was no need, nay, it was an uſurpation to have a lord ſteward. For the commons demanded of the houſe of lords that they ſhould paſs ſentence upon the earl's plea of his pardon; and the lords addreſſed the king to appoint an high ſteward, in order to the trial of theſe impeachments; and ſo it was wrangled off and on till the ſeſſion ended. But his lordſhip, provoked by this pamphlet, but more to ſee people miſtake the laws, and ſtrike ſo hard at foundations, compoſed an anſwer to that pamphlet, ſhewing that a lord ſteward and his court, as well in parliament

as out of it, are neceſſary to the trial of a peer; and that the lords take the place of parity, purſuant to Magna Charta. But the law and the ſentence are of the court, and not of the peers; and farther, that the *magnum concilium in parliamento*, or the great council in parliament was, anciently, not the peerage but, all the officers of ſtate, and ſuch as the king ſhould call to ſerve in that capacity, and that the *placita in parliamento*, or pleas in parliament, came before the great council juridically, and not before the peers. But, of late years, that juriſdiction, which is the king's, is executed by the peerage; and the council remains only in the capacity of aſſiſtants: and ſo it is like to continue.

His lordſhip's opinion of the excluſion.

It may be expected here that an account ſhould be given how, and in what manner, as well as to what purpoſe, his lordſhip was concerned in that great affair, promoted and known by the term excluſion. It was a bill, promoted by the commons in the little and latter Weſtminſter parliaments, to exclude the duke of York, by name, from ſucceeding to the crown of England. The ſteps and conduct of it, and what diſappointments it had, hiſtory muſt ſhew. I know only ſo much, viz. that his lordſhip looked upon it not to attack the ſucceſſion more than the preſent monarch. For, if ſuch a foundation were once laid, whatever importunity prevailed to gain it, there would be the ſame,

with very large encreaſe, to obtain all the power of the government out of the king's hands, upon pretence to fortify the excluſion; For it would be ſaid, it is true, there is a law; but what is that without power? mere paper. And, then, the militia, and all the civil commiſſions, muſt fall, as a ſacrifice to the excluſion, into the hands of the king's enemies.

The queſtion of right, whether the houſe may impeach commoners capitally.

About this time, in the houſe of commons, it was made a queſtion whether they had a right to impeach commoners, in the houſe of peers, capitally, or not? againſt that power it was alledged that, if commoners are condemned by the lords, they loſe their challenges; and their humble eſtate is not ſo ſenſible to thoſe great men, as it would be to their equals. Therefore it was provided by Magna Charta.—*Quod ſuper nullum ibimus niſi per judicium parium, aut per legem terr* . Which ſentence couched two ſorts of trials; one of the fact, the other of the law. The latter cannot be *per pares*, but by the court who judge upon the fact *per legem terræ*: and the fact, which to try is the work of the peers, may be confeſſed expreſsly, or by a pardon pleaded, or a demurrer. Therefore the *lex terræ* was put in to anſwer thoſe caſes, whereof the fact was ſtated by trial and confeſſion; and the judgment of the fact, guilty or not, and of the law, whether judgment of death or not, are two things anſwered. 1. By *pares*, and, 2.

Legem terræ. Sir William Jones, who took the conduct of this whole affair in the houſe upon himſelf, and was the chief dictator of the terrible votes againſt the lords, upon that Monday on which the parliament was diſſolved, entered upon his ſolemn argument, to ſhew that the commons had a right to bring a commoner to trial for his life by an impeachment in the houſe of peers, and inſiſted that it was conſiſtent with Magna Charta; for, although the peers ſentence is not *per pares*, yet it is *per legem terræ*.——And, as that word was out of his mouth, the black rod knocked. This matter came not to the judges to give any opinion; and, if it had, they had a declinatory of courſe, viz. *that matters of parliament were too high for them.* But, nevertheleſs, his lordſhip conſidered all points, and particularly what were moved in this caſe.

Arrival of Sir Dudley North.

In the time when the public was intrigued, and indeed tired with the blundering proceedings of Oates and his plot, his lordſhip had the great conſolation of the arrival of his brother, Mr. Dudley North, who, having reſided at Smyrna and Conſtantinople, above twenty years, as factor and merchant in the way of the Turkey trade, and had got a fair eſtate, returned to England to enjoy it. I ſhall not characteriſe this gentleman, nor enlarge much concerning his great dealings abroad and at home, having referred all thoſe mat-

ters to the account of his life. But the moſt remarkable obſervation of this mercantile ſpark, was that he came with ſuch an idolatrous reſpect for Oates and his plot, as if he had been truly, what Oates blaſphemouſly arrogated to himſelf, the ſaviour of the nation. This was inſtilled into him by the merchants of the Turkey company in England; who, being generally factious, in the flame of the plot, had ſent accounts abroad which created ſuch enorm imaginations in the factors. But when, by a long converſe with his lordſhip, (for a little time would not do) the myſtery of iniquity was unveiled, and the merchant ſaw that his idol was ſuch a heap of naſtineſs, he wondered ſufficiently at the ſtupidity, or knavery of his correſpondents here. There was little or no intercourſe, by letters, between his lordſhip and him in Turkey, for diverſe years before he arrived. Both had ſo much buſineſs, of other kinds, that they had left off writing long letters to each other, as formerly they had done. However, it had not been ſafe to have committed to a written diſpatch, ſuch freedoms about the plot, as was needful to do right to it; nor was it thought material, at that diſtance, to tranſmit ſuch nice and amuſing intelligences. But the factious party made it religion to propagate the faith of the plot, all the world over, as far as they could carry it by their correſpon-

dences. All which was agreeable to proceedings here; for the impudence, as well as ſhame, of ſo great a falſity, was ſcreened by public authority and violence; under the cover of which, the belief of it was obtruded, and all open contradiction ſuppreſſed. And, from this inſtance, let it be obſerved that, *where force and violence uſurps the office of ſound teſtimony, and deprives men of the liberty of judging, falſity and wickedneſs lies at the bottom.*

Diſcourſes of trade.

Theſe brothers lived in this manner with extreme ſatisfaction in each other's ſociety; for both had the ſkill and knowledge of the world, as to all affairs relating to their ſeveral profeſſions, in perfection; and each was an Indies to the other, producing always the richeſt novelties, of which the beſt underſtandings are greedy. And it muſt be thought trade and traffic in the world at large, as well as in particular countries, and more eſpecially relating to England, was often the ſubject. And Mr. Dudley North, beſides what muſt be gathered from the practice of his life, had a ſpeculative, extended idea; and withal, a faculty of expreſſing himſelf, however without ſhew of art, or formality of words, ſo clear and convincingly, and all in a ſtyle of ordinary converſation, witty and free, that his lordſhip became almoſt intoxicated with his diſcourſes. And theſe new notions did ſo poſſeſs his

thoughts, and continually aſſume ſhapes and forms in his mind, that he could not be eaſy till he had laid them aſide, as it were upon paper, to which he might recur, when occaſion was, to reconſider, or apply them. And if, at the council-table, trials of iſſues, or by probable relation, any thing touching the public, occurred (which he would not loſe, and yet not have the burthen of it lie a charge upon his memory) if not upon the ſpot, yet, when he came to his cloſet, he diſpoſed it.

But here, having mentioned ſome new lights ſtruck about trade, more than were common, it may be thought a jejune diſcourſe, if I ſhould paſs on without giving ſome ſpecimens of them: therefore I add a note, or two, that I could not but obſerve. One is that trade is not diſtributed, as government, by nations and kingdoms; but is one throughout the whole world; as the main ſea which cannot be emptied, or repleniſhed, in one part, but the whole, more or leſs, will be affected. So when a nation thinks, by reſcinding the trade of any other country, which was the caſe of our prohibiting all commerce with France, they do not lop off that country, but ſo much of their trade of the whole world as what that, which was prohibited, bore in proportion with all the reſt; and ſo it recoiled a dead loſs of ſo much general trade, upon them. And as to the pretending a loſs by any commerce,

Trade, like the ſea, univerſal.

the merchant chuſes, in ſome reſpects to loſe, if by that he acquires an accommodation of a profitable trade in other reſpects. As when they ſend ſilk home from Turkey, by which they gain a great deal, becauſe they have no other commodity wherewith to make returns. So, without trade into France, whereby the Engliſh may have effects in that kingdom, they could not ſo well drive the Italian, Spaniſh, and Holland trades, for want of remittances and returns that way.

Money cannot be long wanted, nor abound.

Another curioſity was concerning money; that no nation could want money; and they would not abound in it: which is meant of ſpecie for the uſe of ordinary commerce and commutation by bargains. For if a people want money they will give a price for it; and then merchants, for gain, bring it and lay it down before them. And it is ſo where money is not coined; as in Turkey, where the government coins only pence or half-pence, which they call parraws, for the uſe of the poor in their markets: And yet vaſt ſums are paid and received in trade, and diſpenſed by the government; but all in foreign money, as dollars, chequeens, pieces of eight, and the like, which foreigners bring to them for profit. And, on the other ſide, money will not ſuperabound; for who is it that hath great ſums and doth not thruſt it from them into trade, uſury, purchaſes, or caſhiers, where the melting-pot carries it off if no uſe, to better profit, can be made of it

People may indeed be poor and want money, becauſe they have not wherewithall to pay for it; which is not want of money, but want of wealth, or money's worth; for where the one is, the other will be ſupplied to content. Mr. Dudley North was ſurpriſed with the Lombard-ſtreet caſh trade, and would not come into it a great while, and then not much. He was at great defiance with the clipt money, and made war upon it in all his publick and private diſcourſes; and laid the foundation of the reform that was afterwards made: though his project was ſpoiled by thoſe that (without thanks to his memory) took it up and put it in execution. As will be related more at large in the ſaid gentleman's life.

Detail of the riſe and fall of Ignoramus, and other proceedings in the city, not given here, and why.

Not long after Sir Dudley North's arrival, he was called upon to ſerve the king in the office of ſheriff, of London and Middleſex, in order to reſcue that city out of the wretched ſtate it was brought into by a certain monſter, that raged in the years 80, 81, 82, ſtiled Ignoramus. Of which I ſhall give no farther account here, nor of the diſputes about chooſing ſheriffs of London, becauſe the whole proceeding is fully accounted for in the Examen; I ſhall therefore inſiſt more particularly upon ſome few paſſages only, which may tend to diſplay his lordſhip's zeal and ſincerity in ſerving his country and his maſter, and are not expreſsly mentioned in the Examen.

The king deſires ſir Dudley North to accept.

When it was intimated at court that Mr. Dudley North was every way qualified for the office of a ſheriff if he might, by means of his lordſhip, be prevailed upon to hold; the king very much approved of the perſon, but was very dubious whether his lordſhip, with his much caution and wiſdom, would adviſe his brother to ſtand in a litigious poſt. His majeſty knew, that, unleſs his lordſhip cordially undertook it, he might appear, to him, heartily to conſent, and yet, like a tricking courtier, under hand inſinuate to the merchant not to ſtand, and openly charge it on his brother's refuſal; which would have colour enough. But yet he reſolved to try: and, one day, he ſpoke to his chief juſtice, with a world of tenderneſs, and deſired to know *if it would be too much to aſk of his brother, Mr. Dudley North, to hold ſheriff upon my lord mayor's drinking.* His lordſhip anſwered that he was aſſured his brother was diſpoſed to ſerve his majeſty to the utmoſt of his capacity. But, as to this matter, he begged his majeſty's leave to acquaint him with his pleaſure; and, then, he would return to his majeſty his brother's anſwer. So far this went well enough; and the king conceived great hopes that he had found his man.

His lordſhip's arguments to perſuade his brother to hold.

Now came on the main pinch of the buſineſs; which was to make Sir Dudley North ſenſible of his intereſt in complying with the king. His lordſhip was clear of

opinion that his brother ſhould hold; for he knew well that nothing at all againſt law, or extraordinary, would be required of the ſheriffs; and, as for matters of the law, they would be re-committed to the ſecondaries and under-ſheriff; and, then, nothing reſted on the ſheriff but to hold his white ſtaff, and make feaſts. And, for matter of title, he thought there was more ſqueak than wool; for, whatever people thought was at the bottom, if a citizen be called upon an office, by the government of the city, and obeys, where is the crime of that? but he knew alſo that my lord mayor was in the right, and that his proceeding would be juſtified. But then ſuch a terrible fear was artificially raiſed up in the city, as if this ſervice was the greateſt hazard in the world; at leaſt that a powerful band of faction was colleagued, right or wrong, to reſent it, which would bring certainly trouble, and, probably, loſs; and juſtice has ſeldom ſo much credit in England as to be relied on. All which, beſides the faſtidious forms, and expence of the year, had cauſed ſo many knowing and able citizens to decline the office, and made it not to be expected that his brother ſhould be free from all thoſe qualms; eſpecially being ſo much a ſtranger, as he was, to Engliſh affairs, which tended to encreaſe his diffidence of himſelf, and diſtruſt of the matter. But his lordſhip knew withal that his underſtanding was ſuch

that, having full information of the ſtate and circumſtances of the buſineſs, and of all poſſible conſequences, he would certainly determine according to the true reaſon of the caſe, whether to hold, or not. And, with this confidence, his lordſhip, with all the freedom of a boſom friend entered into converſation with him. He put on no authority, and required no truſt implicit to be repoſed in him; nor did he advance the leaſt ſhew that he expected his compliance herein as any act of friendſhip towards him, or as if he made his own court at his brother's riſk; but laid before him an opportunity that profered itſelf, whereby he might make a fortune if he wanted it, and much enlarge what he had, beſides great reputation to be gained, which would make him, all the days of his life, very conſiderable. He left the objecting part to himſelf, and took his riſe accordingly to diſſolve all the fallacious reaſonings, that commonly paſſed in diſcourſe, of the dependence.

Determines to hold, and the reaſons.

He laid open the caſe of the lord mayor's right, very clear and plain, againſt which, in common ſenſe, there was no reply; for the noiſe made by faction againſt it, was brutal, and raiſed up to ſerve the preſent turn only, and would vaniſh when that was paſt: beſides, there was all the valuable part of the city for it. But the merchant did not much heed that, becauſe he was ſatisfied that a private citizen was no judge; and what had

he to do but, according to his oath of freedom, to obey? And, as for fining off, it was, in reality, as much a fault as ſerving. So that, if the magiſtrates called and enjoined him, he did not ſee how, with honour, he could come off one way or other; and, if it was a matter of great moment, he was as ready to hold as to fine off. But the point was what it would ſignify to him to bear a tedious formality, and ſpend two or three thouſand pounds to purchaſe it. As to that, his lordſhip ſhewed him that, if he ſerved, the obligation was ſo tranſcendent in this conjuncture, even in his majeſty's own ſentiment of it, that there could be no employment, by commiſſion from the crown, which would not fall to his ſhare: for the court was a little like the city in that. They thought the ſervice much greater than really it was. So terrible an apprehenſion had they of the fierceneſs of this faction, and the advantage they had over the court at that time. Every man, that intends for employments, muſt ſerve in ſome ſort, or other, to ſhew himſelf capable; and what opportunity could he expect ſhould drop from heaven more propitious to his advancement than this? he could never expect another; nay, the refuſing of this, when ſo fairly offered, was a poſitive demerit which would diſable any other pretenſion as might fall in his way. This office would fall to his ſhare, early or late; and if it be with ſo fair a proſpect,

why not at any time? now as well as hereafter? and, as for the charges, his lordſhip ſaid, *here, brother, take* 1000l. *to help make good your account;* and *if you never have opportunity, by penſions or employments, to reimburſe you and me, I will loſe my ſhare: elſe I ſhall be content to receive this thouſand pounds out of one half of your penſions when they come in; and, otherwiſe, not at all.* A day or two's converſation of this kind, wherein more was conſidered than I can repreſent, entirely reconciled the merchant to his office, and having taken a reſolution upon clear reaſon, he ſet his mind at reſt, and thought no more of the adventure or conſequence, than he did in ſhipping a bale of cloth. And, afterwards, like a great veſſel againſt the waves, he ſtemmed the rage of the town-talk that flew in his face wherever he came; as is already related in the Examen, and will be more particularly expreſſed in the courſe of that gentleman's life.

Attended near Guildhall during the election of ſheriffs.

His lordſhip was one of thoſe perſons whom the king appointed to be in the city, not far from Guildhall, when the ſheriffs were to be choſen; and he ſtaid, during the election, at Sir George Jeffries's houſe; and Sir George himſelf, through his intereſt in the city, had no ſmall ſhare in the conduct of this affair. This was to the end that, if any incident required immediate advice, or if the ſpirits of the lord mayor ſhould droop, which, in outward appearance, were

but faint, there might be a ready recourſe. So the factious ſide had the Lord Grey of Wark, and the whole green Ribbon Council (elſewhere characteriſed) and other ſages of the party all equally concerned in what was doing.

Some doubts which the Lord Mayor was in, reſolved in a generous manner by his lordſhip.

When parties of men are concerned againſt each other in civil broils, it is ſtrange how fertile all things will be of moot points. After the old ſheriffs had taken upon them to declare Papilion and Dubois duly choſen, many of the reaſonable citizens thought my lord mayor's point in a worſe ſtate than before; for here was a new caſe ſtarted. *Here,* ſaid they, *are two ſheriffs declared; ſo they are officers* de facto; *and how can you ſuper-elect and ſet up anti ſheriffs to ouſt them before their title is tried?* Upon this difficult matter, the court adjourned again; and, in the interim, the lord mayor and aldermen were ſent for or went, to attend the king in council; and there they were told that the proceedings of the ſheriffs at the commonhall, after the adjournment, were not only utterly void and null, but the perſons were guilty of an audacious riot and contempt of lawful authority; for which, by due courſe of law, they would be ſeverely puniſhed. But, in the mean time it was his lordſhip's (the lord mayor's) duty, and his majeſty's pleaſure, that they ſhould go back to the city, and ſummon the common hall, and make election of ſheriffs, for the year enſuing, according to the ancient uſa-

ges of the city; and this (by his majeſty's order in council) they ſhould have with them. The lord mayor had found a different ſentiment of his caſe upon this alteration; and ſome had inſinuated that theſe courtiers would thruſt him forward, and be under no engagement themſelves. So he was very full of doubts; and, while the lord chief juſtice North was ſpeaking to the matter, as he did with great clearneſs, and plain reaſons given, was very attentive; for he had a great value and eſteem of his lordſhip's knowledge and integrity. When his lordſhip had done he crept down towards the end of the table where his lordſhip ſat, and, with a ſummiſs voice and aſpect, *my lord*, ſaid he, *will your lordſhip be pleaſed to give me this under your hand?* Now the king, and all the board, eyed the man, to ſee what he went about, and, hearing what he ſaid, they all thought he had put the dor, as they ſay, upon the chief juſtice, and expected ſome turn of his wit to fetch himſelf off; and diverſe thought to have ſome ſport in ſeeing how woodenly he would excuſe himſelf. But his lordſhip, ſhewing an uncommon firmneſs of mind, cheated them all; for he anſwered, without any heſitation, *yes, and he ſhould have it preſently*, ſo his lordſhip took the pen and paper, that lay before him, and wrote to this effect, *viz. I am of opinion that it is in the lord-mayor's power to call, adjourn, and diſſolve the common hall at his pleaſure; and that all acts*

done there, as of the common hall, during ſuch adjournment are mere nullities, and have no legal effect: And to that ſet his name, and gave it him, all of his own hand-writing; and, after he had it, he came up to his place again. This paſſage pleaſed the king; for he was not uſed to ſuch generous dealing in touchy matters among his counſellors.

His lordſhip, the chief conductor of this matter. Reaſons for not being more particular.

I have here touched upon ſome paſſages only which might tend to demonſtrate his lordſhip's ſincerity and reſolution in a clear cauſe, and wherein he was ſatisfied that the law was with him, becauſe the whole proceeding is fully related in the Examen. It was of the laſt conſequence to the crown at that time; for the queſtion was, whether treaſon and ſedition, in London and Middleſex, were criminal, or not. And this in a time when it was believed, though not ſo ſoon evidentially diſcovered, that a rebellion was ready to break out, and the game was actually begun in Scotland, but happily quelled at Bothwel Bridge. Was it not a ſtrange circumſtance in ſuch a conjuncture, that the traytors themſelves ſhould be the miniſters of juſtice, to judge and condemn their fellows; againſt whom diſcoveries were already had; though the whole ſcheme was not yet brought forth as afterwards happened by the means of one Keiling? Neither do I give here the chicaneries of law upon this point, becauſe they may be found, as far as was thought neceſſary, in the Examen. And indeed they may not be thought worth remembering; and,

as for themſelves, I grant it; but, as they are the hiſtory of ſome men's impudence, they are not inconſiderable; for they ſhew that men, in parties, will affirm any thing (however nonſenſical it is) againſt each other; and, what is worſe, when things are thus confidently affirmed by numbers, the people, and, of them, ſuch as ſhould know better, will think there is ſome reaſon in it. But, of all ſorts, none ſo braſed, in this kind as demure pretenders, who complain of popery and arbitrary power, and, of all men, are the moſt irreligious and unjuſt themſelves. *And ſuch this faction was.* His lordſhip was a ſort of pilot in the conduct of this affair; and moſt of the acts turned upon his judgment and authority. There were others who bluſtered, and made a great noiſe; but none penetrated to the bottom of the matters in queſtion, but himſelf. His lordſhip was ſo much concerned that a matter of this nature and conſequence ſhould be toſſed upon men's tongues as it was, and ſcarce any one either mentioned, or, indeed, knew the true diſtinction upon which it was turned, that, for ſetting people's thinking right, he drew up inſtructions for ſome of the employed writers, whereby to dreſs out a pamphlet, which he ſuppoſed would be done, author like, by caſting the materials into ſome plauſible form, and ſetting them off with quaint ſentences as might invite people to read, who care not for a lawyer's notes of argument, as in a law caſe. But whoſoever it was that

undertook it, he publiſhed the notes *verbatim;* adding only a ſort of prologue and an epilogue; which made his lordſhip very angry: and, from that time, he reſolved to give out no more inſtructions, and not to undertake any thing he could not finiſh himſelf.

Of tumultuous petitions.

It is related in the Examen, how buſy the laſt Weſtminſter parliament was about the excluſion; and alſo how money matters ſtuck, though an actual war with France was loudly called for; and treaties abroad, touching peace, between the French and the confederates, viz. Spain, Germany, and the Dutch (whereof the king was mediator) were depending; ſo that the king had reaſon to make a long receſs of that parliament, to the end that matters might digeſt, and come to ſome maturity, as was hoped, and intended to be laid before the houſe of commons, in order to put them, if poſſible, into a better humour. But the faction, at that time, thought that future elections would prove, as at the preſent, propitious to their hopes; and therefore, partly, to make bad blood, and, partly, to force the king to let the parliament meet and ſit, which, by diverſe prorogations, had been put off, and might be ſo again, they inſtituted a method of petitioning the king that the parliament might meet and ſit. And it is ſcarce credible with what ſaucy impudence diverſe came to the king with petitions ſigned with numberleſs hands, and frightful hieroglyphicks; but with ten perſons only in company, ſo as not

to offend againſt the ſtatute about tumultuous petitions: all which was fully ſtopt by a proclamation which his lordſhip penned. This alſo, with the turns it had in the houſe of commons, is inſerted there; ſo ſhall paſs it over here, and inſiſt only upon ſome few incidents, with regard to his lordſhip, which have not been ſo particularly ſet down there.

Diverſe trepans and ſnares laid on this account.

While the perſecution of abhorrers, and queſtioning the proclamation in the next ſeſſions of parliament, were talked of by the factious party in town, and terrible doings were expected, his lordſhip was paſſive, and appeared not to have any concern upon his ſpirits; but conſulted his beſt friends, and, ſhewing them the proclamation, aſked if they could find any caption to be made upon it; and every one, even old parliament men, uſed to the trade, could find none. But his lordſhip nevertheleſs held himſelf under the guard of his caution, leſt, when the enemy had none, he might adminiſter weapons againſt himſelf; for he did expect, as it proved, that he ſhould be ſurrounded with trepans. One was a grand one, and of a ſecretary of ſtate, the Lord Sunderland. He, and the reſt of his party at court, pretending to be fierce againſt the petitioners, thought to puſh on ſuch as they would ruin, to act intemperately in that cauſe, and ſo to become expoſed to the parliament: and, purſuant to this pious deſign, when he ſignified his majeſty's pleaſure to his lordſhip and judge

Jones, to ſuſpend the execution of the laws againſt Proteſtant diſſenters, he added that they ſhould by all means diſcourage the petitioners, and encourage the anti-petitioners. But his lordſhip was aware of his trap, and, in the country, took thereof no manner of notice. Afterwards, when the proclamation was voted a ground for an impeachment, and made a great noiſe, but the committee, to draw articles, could make no work of it, his lordſhip's brother-in-law, Mr. Soams, in extreme haſte, found out his lordſhip, and told him he came from the earl of S. (I believe, Sunderland;) for he (Mr. Soams) having often urged that lord to find ſome means to abate this rigour, of the commons, againſt his lordſhip, that morning the earl wiſhed him immediately to find his lordſhip out, and to let him know *that a way was diſcovered for him to come off.* And it was that he ſhould go immediately (time would not ſtay) and, ſpeaking to the commons, *give up the proclamation as unlawful.* That was a point they would certainly carry; it being againſt the right of petitioning, and privilege of parliament: and they had no enmity to his lordſhip, but regarded the matter; which ſet right, they would drop perſons; but, if reſiſted, they would purſue, through all, with the rigour of impeachments: and this muſt be quick, quick; for, if they farther engaged themſelves, it would be too late. His lordſhip could hold out

no longer, but laughed in his friend's face. The gentleman thought him mad. Why brother, ſaid his lordſhip, *do you not ſee through this tinſel device?* and then he unfolded to him the ſnare; which was, in ſhort, that, if he went and ſneaked, in that manner, he ſhould loſe every friend he had in the houſe; and all would unanimouſly join to cruſh him: and that he ſhould do ſo, was the deſign of this meſſage. Somewhat, like this, happened in the houſe of lords, where the Lord Lovelace, after much ſaid of his relation, honour, and reſpect, aſked his lordſhip why he did not go and ſpeak to the commons? for, ſaid he, *they are very angry with you. Are they indeed ſo angry as your lordſhip ſays? Ay, by G—d are they, very angry.* His lordſhip anſwered that *he did not care to come near angry people.* So ended that dialogue. But theſe lords, not uſed to much contradiction, thought all men fools but themſelves: for, if they had had any judgment, they muſt have known his lordſhip better, and not have ventured ſuch flams at him, who could ſmell powder farther than they could ſee. But where is the ſenſe of truth, to ſay nothing of honour, in the acts of ſuch falſe friendſhip?

Difficult and hazardous defence in the houſe of commons.

His lordſhip ſaid often that this queſtion, raiſed upon him in the houſe of commons, was much eaſier in the defence, than the former about ſolicitation; for then he had a majority of the houſe, fully aſſembled, his

friends, at leaſt, not averſe, or in party againſt him; ſo that the war was carried on by tricks and ſurpriſes, and needed watching and informing. And this puts me in mind of a merry conceit of his lordſhip's aunt, the Lady Dacres. She was acquainted with Mrs. Baker, the old Lord Angleſey's ſiſter, who was a zealous Preſbyterian, and pretended to have a vaſt intereſt in that party. She told the Lady Dacres that ſhe could fetch off her nephew (then upon the tenters) when ſhe pleaſed, by making all the Preſbyterians in the houſe for him. Upon this, the Lady Dacres ſent for her nephew to come to her, as he did, and told him what Mrs. Baker could do for him. His lordſhip anſwered, that he ſhould be thankful for any acts of friendſhip in that kind. *But i'faith, nephew,* ſaid ſhe, *there muſt be money.* To which his lordſhip replied, *that he would not give one braſs farthing to buy all the Preſbyterians in England;* and ſo ended that ſcheme. But to return to the caſe of the proclamation. Elections had been ſo varied that he could not pretend to have half the members indifferent to him. The reſt were all in the confederacy againſt him: and it was to no purpoſe, or rather, to ill purpoſe, to apply to any of them. Thoſe, who were his friends (by that I mean the court party) were ſure to be for him, and the reſt as ſure againſt him, in every queſtion that ſhould be put to injure him. And ſome of the old

ſtagers of his party, told him plainly, he might take his eaſe and ſit ſtill; for his friends, out of the houſe, by ſoliciting, could do him no ſervice. The matter was very well underſtood; and they within, that ſtood together, would be vigilant as to ſurpriſes, and act for his indemnity, as occaſion ſhould ſerve.

Humanity of his lordſhip, *towards Sir Creſwell Levinz.*

I cannot omit here the doing right to his lordſhip's memory, in ſhewing a piece of *humanity that few* perſons, but his lordſhip, *in his* circumſtances, would have done. And that reſpected Sir Creſwell Levinz, the attorney general, who named his lordſhip in the houſe of commons. For although his lordſhip knew, that the party intended to work through him, yet he never conferred with, or ſo much as ſpoke to him, concerning his behaviour, when he ſhould be called to anſwer in the houſe of commons: for nothing could be adviſed, in his caſe, but to act the brave, and to own and juſtify his proclamation to contain nothing againſt law, or to have refuſed to name his aſſiſtants when the act was his own; either of which might have ſent him to the Tower: which had intereſted the king in his caſe, who would have protected him; and, perhaps, they might not have ventured to ſend ſuch a capital officer to the Tower, but impeached him in manner as they proceeded againſt his aſſiſtant; which would have gained his majeſty's ultimate favour, and been, on

that account, his wiſeſt courſe. But his lordſhip knew him to be a mere lawyer, and a timidous man, and accordingly left him to himſelf. And his lordſhip did not in the leaſt reſent the naming him (ſo degenerouſly) as he did, but ever after held fair with him as before, and gave him common aſſiſtances and countenance, as if no ſuch proceeding had been. Which, as I ſaid, was a ſpecies of humanity ſeldom practiſed in the world.

Of the rebellion in Scotland, and an impudent aſſertion of the faction, about quelling it.

But ſtill although the matter of the proclamation came to nothing, the ſky was black, and good men were not at caſe while this parliament ſat. They flew ſo fiercely at the abhorrers, and at the ſucceſſion, and under that, as ſome thought, at the crown itſelf, that none could foreſee what might happen. The king offered diverſe expedients and qualifications of power in the ſucceſſor, which were (moſt wonderfully) refuſed; which ſome thought was only becauſe they did not affect the poſſeſſion. But what the king might, by importunity and inconvenience, be drawn to yield to for the miſchief of the nation, no perſon knew, or, by any foreſight, was ſecure of. The Lord Shaftſbury headed the faction, and made an incentive ſpeech in the houſe of lords, of which numerous copies were ſent the ſame night, by the poſt, to Edinburgh. And thereupon the rebellion broke out; of which a full account is to be found in the

Examen. The ſame faction ſtarted a queſtion about the lawfulneſs of ſending forces into Scotland to quell that rebellion, and whether it was not againſt the articles of the union, in the reign of King James I. as is more largely ſhowed in the ſaid Examen. His lordſhip was of opinion there was no ground for the ſcruple at all; and, afterwards, ſet it down among ſome other poſitions, which he titled *Impudent Aſſertions of the Faction.* But however, that did not ſatisfy ſome counſellors (for the late regulation, or reform, as it was called, was then in being) and that quære had got abroad among the officers. Thereupon the king, to proceed formally, ordered Sir William Jones, his attorney general, to conſider the treaty and the preſent circumſtances, and give his judgment whether forces might be ſent or not? and he returned that they might; for forces, ſent in aid, and at the deſire of the government in Scotland, could not be conſtrued an hoſtile invaſion in the ſenſe of that article. And thereupon the council came to a concluſion, and the commiſſions were ordered. For the court of England was now ſo ſteadily determined to act, in all things, according to law, that the faction could find no way to annoy them but by corrupting the law itſelf; and what they, forſooth, would have to be law, muſt be ſo, and nothing elſe: although, at the ſame time, when thus they ſtrained at gnats, they ſwallowed whole

camels, and conſequently fully demonſtrated the ſame. It is pity honeſt men ſhould be ſo mealy-mouthed and ſcrupulous, as they are apt to be, when, upon the ſtability of the government, their all is at ſtake. So, in the time of the rebellion of forty-one, when, in the midland counties, the rebels raged in arms, and acted downright hoſtilities againſt the crown, the honeſt gentlemen, in other parts of the kingdom, viz. towards the Weſt, were ſneakingly diſputing whether the king's array were lawful, or not.

Duke of Lauderdale's friendſhip, and diſſolution of the parliament hinted.

His lordſhip had, at this time, few friends in court; but, next to the king, who was always ſure to him, the Duke of Lauderdale was in his perfect amity. The ducheſs, when ſhe was Counteſs of Dyſart, lived at Fakenham in Suffolk, near to Toſtock, where his father lived; and the lady reſided there for the ſake of bringing up her children at Bury ſchool; and, as, in ſuch caſes, is uſual, his lordſhip's brothers and her ſons, at breakings-up, were playfellows. This acquaintance made no great advance; but the lady, being a politician profeſſed, and afterwards married to the Duke of Lauderdale, after his lordſhip became conſiderable at court, called upon his acquaintance, and brought her huſband to be a familiar friend, who, before, had but valued him for his abilities, and ſervice to the crown. And his lordſhip's brother, Mr. John North, for general learning eminent, was alſo taken

into the duke's confidence and friendſhip; and the duke himſelf, being alſo learned, having a choice library, took great pleaſure in Mr. North's company, and in hearing him talk of languages and criticiſm. And theſe brothers were not ſeldom entertained at the great houſe at Ham, and had the freedom of the gardens and library. This great man was a ſolemn conſolation to his lordſhip; becauſe he could open his mind freely to him, and rely upon his ſincerity. I muſt never forget one paſſage, which happened at dinner at Ham. I have mentioned how his lordſhip was touched in the laſt Weſtminſter parliament, but the duke much more fiercely; for he kept the Scotch gates faſt, ſo that rebellion could not enter on that ſide; which diſtreſſed the factious party in the higheſt degree, and drew upon the duke more than one or two addreſſes to part him from the king; but the king would on no account part with him. So that both theſe counſellors were as blown deer, and would be glad to have the parliament diſſolved; of which, to ſay truth, the whole nation was weary. And, at this time, the froſt was very ſharp, and the company at dinner complained of cold. The duke turned and, looking back towards the window, ſaid *there will be a thaw ſoon.* None at the table, but his lordſhip, gueſſed at his meaning. And ſo he intended it; for he knew that the parliament would, in a few days, be diſſolved; but his lordſhip

did not, till he gueſſed ſo from that ſentence of the duke's; and it proved accordingly. And ſo the duke diſcovered, and, at the ſame time, kept the grand ſecret, which was a true turn of a politician.

About this time, a fatal ſtroke happened to his lordſhip, viz. the loſs of Dr. North, maſter of Trinity College in Cambridge, his dear brother and familiar friend. I call it loſs; but it was much worſe, for he was maimed by an apoplexy, and diſabled both in body and mind, which, more or leſs, is always the effect of that diſeaſe: but when it is in a high degree, as his was, the caſe is moſt deplorable. It proved that which they call an hemiplegia, which reſcinded the chief uſe of one leg and one arm, and diſtorted his countenance, corrupted his ſpeech, and, what was more than ordinary, caſt him into convulſion fits, which returned, for the moſt part, monthly, and, not only tormented but, diſpirited him, and made the little life, he had left, a grievance to him. His friends would willingly have followed him to his grave, unleſs they might have ſeen him reſtored to a tolerable health, and to become that bright and witty, as well as learned and accompliſhed, divine as he was before. But they were forced, preſent or abſent, to ſympathiſe in his ſorrows; for, between four and five years that he lived in this mortified ſtate, he came to a full underſtanding of his condition; which made it worſe, as appeared

The death of Dr. North.

by diverſe pathetic letters he wrote from his college in Cambridge. I do not enlarge here upon the circumſtances of this good divine's life and death, becauſe I have a ſmall volume expreſs on that ſubject. Therefore ſhall only add here, that his lordſhip was made the doctor's ſole executor, whereby he came into an excellent library, eſpecially of Greek books, which the good doctor left, and alſo a perſonal eſtate of about 4000*l.* one fourth of which, by direction of the doctor's laſt will, was given to poor people.

Note of the times, when his lordſhip was taken into the privy council.

I have already taken notice of his lordſhip's being made a privy counſellor, and of the company that came in with him, who were the ſtiffeſt oppoſers of the court in parliament. For the Earl of Shaftſbury was made lord preſident, the Lord Sunderland ſecretary of ſtate; the Earl of Eſſex, lord Ruſſel, Henry Powell, and ſome others, of the malecontent party, were taken in. But this, being one of the chief incidents in his lordſhip's life, may require a fair account to be given of it. The long parliament, as to all uſe to the crown, was grown effete, or rather unſafe; for the court party were become a minority; and the faction, in hopes of a better, did all they could to get it diſſolved, which gave riſe to all that noiſe and ſtir as was made about penſions. Nothing, that the king deſired, could prevail: but, on the other ſide, plots, and excluſion of the ſucceſſor, were exaggerated to his great

diſquiet: and, after this parliament was diſſolved, another was choſen, called the little Weſtminſter parliament, which, proceeding upon the battered topics of plots, excluſion, popery, and the French, were averſe enough to the king's affairs; but yet not ſo bad as ſome would have had it; for no Popery, no Preſbytery, was heard ſounding in the houſe of commons, which thoſe, of the anti-court party, did not like, becauſe it ſhewed a diſpoſition, upon fair opportunity, to piece with the crown. Thoſe perſons therefore, who had influence at court, and favoured the faction, never left till they got this little parliament diſſolved, as is more particularly ſhewed in the Examen; for it was preſumed that, as the public was ſeaſoned, every election would be more and more averſe: and ſo it proved; for the next parliament flew againſt the court with more rancour and fierceneſs than any other had done. The king, hoping to gain a better humour, had done ſome conſiderable things, as ſending away the Duke of York, offering expedients, and, with others, reforming the privy council: for, having diſſolved the old one, he made a new appointment, and (as I ſaid) took in the chief leaders of the faction in both houſes, that it might not be ſaid he wanted good counſellors. But, that he might not be left alone with them, he joined ſome that were, as he knew well, aſſuredly his friends, among whom his lordſhip had

the honour to be one. In the courſe of theſe troubleſome times, the loyaliſts were never ſecure in their own minds, that the king would ſtand the ſiege, which had environed him, but, at length, he muſt be brought (as the faction thought and verily expected) to ſurrender at diſcretion; and then they ſhould lie at the mercy of the king's, and their own, implacable enemies. And this paſs of reforming the council, in that manner, ſeemed an overture of it, as may be found particulariſed in the Examen. But his lordſhip, in a ſhort time, could, by his majeſty's behaviour amongſt them, diſcern his firm purpoſe not to quit the reins, nor to let go the magiſtracy into the hands of his enemies, as was deſigned he ſhould: and then his majeſty's friends were at eaſe, and took heart a grace to act vigorouſly againſt the ſeditious practices of the faction; and the nation, in general, were ſatisfied that the king had done enough. And, from that time, the ſtate of his authority was redintegrated; as the relations of thoſe times, if any good ones appear, will at large demonſtrate. As for his lordſhip's being taken into the cabinet, it was but a token of a more entire confidence in his fidelity and judgment; and that he might be aſſiſtant, not only in the formal proceedings of the privy council, but alſo in the moſt retired conſultations of his majeſty's government.

Reaſons for diſſolving,

After the king was returned from the Ox-

ford parliament, the court was at leiſure to look about them. For though the faction had a great ſhake, yet it was not fallen; for Ignoramus was ſtill on foot, and the ſound, of miſchief hatching, was heard by certain buzzings about plots. His lordſhip therefore thought fit to adviſe, or, at leaſt, to concur in advice to, his majeſty, to publiſh his royal declaration to his people, of the cauſes that moved him to diſſolve the two laſt parliaments, of Weſtminſter and Oxford; which was done and publiſhed. And though it was tart enough upon thoſe parliaments, which one would not think, whatever the cauſe was, ſhould be very popular, yet, on the contrary, it took ſo with the ſenſe of the people, that the fancy of addreſſing went on (as was hinted) in a ſurpriſing manner. The declaration was penned, or adjuſted, with all the prudent cautions imaginable; and by his lordſhip himſelf, as I verily believe, and do think that, by the ſtyle, it is demonſtrable. His lordſhip was then, and had been ſome time before, of the cabinet council, and was the chief director in thoſe importune pretences to plots and diſcoveries, that grew very troubleſome till that of the Rye. But he had the ſatisfaction of having the king, for the moſt part, preſent at the examinations, and alſo opportunity to inſinuate matters of law, and cautions, to his majeſty, that knaves, by coming into his preſence alone, might not have a poſſibility to forge colours to betray, or to defame him.

and of the king's declaration.

For that deſign was ſtill driven, that he might be thought a falſe ſuborner, and confounder of Proteſtants.

Examination of falſe plots.

His lordſhip, in this work, had an eſpecial aſſiſtant of the ſecretary, Sir Leoline Jenkins, a perſon of great worth, learning (in the civil law) and fidelity. His lordſhip had no ſmall occaſion for the help of ſuch an extraordinary perſon, when he had ſo much upon his hands, in the examinations of the ſham plots of Dangerfield, and the reſt of thoſe impoſtors, that wrought between the plot of Oates, and the diſcovery of Keiling, and held his lordſhip in continual ſtretch of penetration and caution, that the king might be appriſed of his danger in letting ſuch cattle, as the pretended diſcoverers were, come into his preſence, which they always preſſed for; and the king, who loved to judge for himſelf, was too much inclined to give way to, and even, ſometimes, alone, which might have been of the laſt conſequence to him. But the referring theſe fourbs to the ſecretary's office to be examined, always fruſtrated their deſigns, and, not only his lordſhip but, the king himſelf, ordinarily attended at the examinations; which let him into the ſecret of plot knavery, to his no little edification. And however his majeſty's enemies, abroad, defamed him, a true account of theſe matters, which is to be found in the Examen, will ſhew that he inquiſited with juſtice and decorum, and determined with as much lenity towards his enemies, as ever prince did. And

to prick in here one memorial of that good king's underſtanding, as well as equity, I heard his lordſhip ſay that, in matters heard at the council table, he never knew him determine otherwiſe than was right. But, to ſhake off all theſe illuſive diſcoveries, the only ſtain they left was a loathing of all manner of plots; and it nauſeated the miniſters to hear of any new diſcovery: whereby any, that profered, came on againſt all the prejudice and ſuſpicion that might be.

In the interval between the arreſt of the lord mayor, and June 1683, all was, in appearance, huſh; and the ordinary proceedings of ſtate went on orderly and well; and his lordſhip was in very good company at court. For the earls of Halifax and Rocheſter, and ſecretary Jenkins and his lordſhip conſorted together to fit buſineſs for his majeſty's cogniſance and determination; and very often met over night at the ſecretary's, for like purpoſes, that they might not be ſurpriſed, and hazard the not underſtanding each other the next day: and all meaning truly the king's ſervice, they were, in moſt things unanimous; and, to hold that firm, his lordſhip perpetually inculcated the adhering entirely to the law, and to do nothing which might give handles to ill people to pretend the contrary. They had power enough, that way, to make examples of thoſe that were caught offending; and, if ſome eſcaped, it were better than to ſtrain points

Prudent adminiſtration.

to cruſh them. And they had often diſcourſes of recommending men to places of truſt; And therein his lordſhip and the earl of Rocheſter, as to a ſtanding rule, differed. The latter was for preferring loyaliſts, which were ſuch as run about drinking and huzzaing, as deſerving men, and to encourage the king's friends. His lordſhip was for bringing men forward in offices that had dealt long, and were forwardeſt in them, as moſt likely to underſtand the buſineſs, rather than the moſt willing friends that underſtood nothing. But, in this method of adminiſtration, the king's affairs went on to the ſatisfaction of all (honeſt) people; and the chief virtue of it was owing to his lordſhip who would not forſake the law upon any account. But theſe miniſters of ſtate little thought of a peſtiferous cloud that hung over their heads, and was to have broke full upon them the March following; when an infernal combination of men were to have attacked the king's coach, as he returned from Newmarket.

How Keiling made the diſcovery of the Rye plot.

Keiling, one of the aſſiſtants at the arreſt of the lord mayor, a ſecretary, and deluded by a faction, otherwiſe a good liver, and honeſt at the bottom, made the firſt diſcovery of this horrid deſign: whether pure conſcience, or deteſtation of the miſchiefs he knew were to be perpetrated, moved him, I know not; but it is certain that no combination, temptation, or proſpect of reward

drew him forth. He firſt made means, by the lord Dartmouth, then belonging to the Tower, to be brought to the ſecretary's, and there, in a plain manner, declared the whole. His lordſhip was at the examination; and, when he came home at night, he told us that a diſcovery had been made of a moſt horrid plot againſt the king and duke; but he could not tell what to ſay to it yet: for the court had been ſo fatigued with ſearching into falſe plots, that they came to an examination of a true one, as bears to the ſtake; and, as to crediting, were very nice and ſcrupulous. They ſcarce believed Keiling, who was but a ſingle witneſs. But he, either out of zeal to prevent ſo much miſchief as he ſaw coming on, or leſt, if he were ſeen at the ſecretary's office by any of the conſpirators, it might coſt him his life, went away, and next day came again, and brought his brother with him, who confirmed what Keiling had diſcovered, and fully convinced the lords that he ſpoke true. Then warrants iſſued, and proceedings were had: and when his lordſhip came home that very night, he told us that he believed the diſcovery was true. But, as perſons were taken up, and confeſſed, the evidence was yet more full and inconteſtable; as is particulariſed in the Examen. And the part, his lordſhip acted in the diſcovery, is already related.

Now, as concerning the ſtate of his lordſhip's intereſt, it was moſt notorious that, by

His lordſhip's abilities and intereſt.

eminent ſervices performed, through all the troubles of the court; and now finally in contributing ſo largely, as he did, towards clearing up all theſe brigues and embroils of the city, and all clear and hearty, and as done cordially, and *ex animo*, and not after the adulatory manner of a court, he was now ſo confirmed in the king's good opinion, not only for his knowledge in the law, and all abilities, but alſo for his ſincere good will to do him ſervice, that no art or induſtry of any perſon, or party, or intereſt in England (although great endeavours, and of ſtrong parties, were uſed) could make the leaſt impreſſion on the king's mind to his prejudice. Once, at a couchee, a courtier was pleaſed to ſay that his lordſhip was no lawyer. The king, over-hearing, looked ſourly over his ſhoulder, and ſaid that *whoever ſaid ſo, did not know the lord chief juſtice North.* And although, at court, there are always a ſort of underminers, who would, if they durſt, have been nibbling at him, they never could, in that king's reign, gain the leaſt glimpſe of encouragement that way. I might have mentioned in a more proper place, a paſſage which muſt not be forgot, which happened ſitting the Weſtminſter parliament; when his lordſhip was, at that time, ſaid to be impeached for the proclamation againſt the petitioners. Whilſt he was ſitting upon the woolſack (as the king thought) penſive, his majeſty came and clapped himſelf down cloſe

by him, and, *my lord*, ſaid he, *be of good comfort*; *I will never forſake my friends, as my father did*; and roſe up, and went away, without ſaying a word more. And this encouragement was welcome, and gratefully accepted. At length Sir George Jeffries was made chief juſtice of the King's Bench, and took upon him the conduct of that great work; I mean *of working counter to his lordſhip*; as will appear in the next ſtage of his life.

Trial (as it was ſaid) of the Lord chief juſtice North.

Before I lift his lordſhip up into his next and laſt ſtage, I ſhall remember an incident or two, that fell out in the Common Pleas, before he left the cuſhion there. One was a trial at the bar, which, in Weſtminſter hall, was called *the trial of the lord chief juſtice North*; which drew abundance of auditors, more than uſed to be at ſuch trials. The fancy was, that one of the parties was the father of Mr. Robert Foley, his lordſhip's brother-in-law; and many concluded that he would diſcover a partiality in it. The bench always carried themſelves fair, and without any affected oppoſition to his lordſhip; except judge Atkins, who took all opportunities to croſs him, and thought to have done it ſufficiently in this trial. The cauſe was of a bill of 800*l.* whether ſatisfied in accounts or not; if not, it was with Foley; otherwiſe, with one Sands the defendant. The matter was very intricate; and his lordſhip conducted the trial with exact order, and full latitude

to the counſel. He ſifted all the evidences with his uſual ſagacity and judgment; and no one could perceive any tendency of opinion, one way or other, till he came to ſum up the evidence, and direct the jury. And then he recapitulated the evidence, and gave to every article and circumſtance its full force; and, ſhewing how the balance fell, concluded that the weight was on the plaintiff's ſide, for whom he thought they had reaſon to find. The two next judges the ſame. But Atkins thought to direct as clearly on the other ſide, and began moſt furiouſly that way; but, in the middle of his talk, found himſelf in a wilderneſs, and that he could not carry it through; and thereupon, in a moſt ſurpriſing manner, ſhifted his ſails, and fell into the ſame ſtrain as the other judges had diſcourſed, and concluded for the plaintiff; and ſo, the court being unanimous, the verdict went accordingly. And this was ſuch a turn in ſpeaking as I never obſerved, before or ſince, to be made by a judge on the bench.

Oppoſition made to his lordſhip, by judge Atkins, about a prothonotary's place.

This judge Atkins made an open oppoſition to his lordſhip, about the diſpoſal of a prothonotary's place, which is known to belong to the chief juſtice. But he thought fit to ſtir up his brethren to put in for a ſhare; and there were ſome words and altercation paſſed in court about it. His lordſhip told his brother Atkins, *that he ſhould know there was no republic*; and the other anſwered

no, nor monarchy. But the new officer was at laſt ſworn. His lordſhip hath left a note of theſe bickerings from his own pen, which I think, for full intelligence of the matter, to ſubjoin in his lordſhip's own words.

His lordſhip's account.

" 1680. In the laſt vacation, Mr. Townſ-
" hend, the ſecond prothonotary of this court,
" ſurrendered into the hands of the *cuſtos*
" *brevium*; and the *cuſtos brevium* preſented
" to me Thomas Winſord (who had formerly
" been philazer of Surry, &c. and ſur-
" rendered that office into my hands) and de-
" ſired me to admit him. Whereupon I did
" adminiſter to him the oaths of allegiance
" and ſupremacy, and the oath of his office.
" And this was done by the preparation and
" advice both of the *cuſtos brevium*, and Mr.
" Robinſon, the chief prothonotary. But
" being about to put him in corporal poſſeſ-
" ſion of his office, the other judges alledged
" they ought to allow him; for his admiſſion
" was an act of the court, being done in
" court. I inſiſted upon it that it was inci-
" dent to my office, and, in that right, I put
" him into poſſeſſion. I undertook to ſatis-
" fy them of it the next day. And, accord-
" ingly I ſhewed them the caſe in Moyle's
" entries, fol. 3. Trin. 12 Edw. IV. rot.
" 194. and paſch. 3 Car. rot. 42. and all
" late entries, which expreſsly ſay it is done
" by the chief juſtice, in right of his office:
" nothing being mentioned of the conſent of

" his companions, or of the act of the court. " Dyer, 150, ſaith that the chief juſtice *con-* " *tulit officium capitalis prothonotarii contra* " *voluntatem aliorum juſticiariorum qui judi-* " *cabant alium eſſe magis idoneum.* This " ſhews that, if he, who gives an office, finds " one that is *idoneus*, it is ſufficient, although " another man may be more fit. That, to " remove an officer, it muſt be the act of " the court; and therefore D. 115. a. ſaid " that a diſcharge was *ex aſſenſu ſociorum* " *ſuorum.* That I thought he might be " ſworn in my chamber, as Mr. Worley " was, who was never ſworn in court; and " neceſſity ſpeaks when the office becomes " void in vacation time. Nevertheleſs I did " not oppoſe; but he ſhould, for ſolemnity, " take his oaths in court, as Mr. Robinſon " did, after he had been privately ſworn. " Whereupon, my brothers inſiſting no " farther, he was ſworn in court, and I put " him in poſſeſſion, and put on his cap, and " declared I did it in my own right, and not " as an act of the court; which was in no " ways contradicted; and I ordered Mr. " Robinſon to make his entry as in former " times, which did fully explain it."

Sat as ſpeaker of the houſe of lords.

But, in this confirmed ſtate of credit with the king, it cannot appear ſtrange that, during the infirmities of the Lord Chancellor Nottingham, his lordſhip, in a ſenſe almoſt univerſal, was his preſumed ſucceſſor, as if he had been previouſly declared ſo.

For, while his lordſhip was chief juſtice of the Common Pleas, he often was conſtrained to take the place of ſpeaker, and preſide in the houſe of lords in the room of my Lord Nottingham, the chancellor, who, towards the latter end of his time, was much afflicted with the gout, and, in other reſpects, very valetudinary. I have known him ſit to hear petitions in great pain, and ſay that his ſervants had let him out, though he was fitter for his chamber. It was the care of the king's miniſters to have always a commiſſion dormant in the houſe for appointing a ſpeaker in the abſence of the chancellor; elſe, the lords, coming to ſit, and finding none to take the woolſack, would be apt to chooſe of themſelves; which was a precedent the court did not care ſhould be made. By theſe vicarial offices in the houſe, his lordſhip was educated to the employ there, when it ſhould fall to his ſhare in chief. Having therefore brought his lordſhip to the *ne plus ultra* of all that his profeſſion of the law could, by any means, entitle him to, we reſt him here, and, after ſome few reflections upon his conduct and character, take the riſe of a new poſture of his employments; which is the fourth and laſt ſtage, as I have deſigned, to diſtinguiſh in the courſe of his life, and which I have preſumed to entitle his miniſtry: and, for that ſtation of authority, if knowledge be an apt qualification, he was a non-pareil; for, next to Machiavel

none ever underſtood human nature better. He had noted down, one would think, all the diſguiſes and falſe pretences that ill men uſe, and, not only all the common frauds of men but, alſo, the great cheats of the court, and officers of the revenue. All which are brought together, and put with ſome matters hiſtorical and political; which, if required, may ſpeak for themſelves, and prove that what I ſay is neither hyperbolical nor partial.

His lordſhip how reſpected at court.

But this diſtinction of his lordſhip's miniſtry is not deſigned to exclude the former time, that is, after he was called to the privy council, and then to the cabinet, which happened before he had the great ſeal committed to him; for, then alſo, he was really a miniſter of ſtate, and was ſo looked upon, and reſpected at court. And this brings into my mind ſome pleaſantries of his lordſhip upon that ſubject. Once, in a good humour, and laughing at himſelf, he told us that he found, by two infallible tokens, he was thought to have a conſiderable intereſt at Whitehall. One was the reſpect paid him by the foreign embaſſadors, and the other was the Lord Craven's whiſpering. As for the firſt, he obſerved that, in the rooms at Whitehall, whenever any of the embaſſadors looked towards him, and thought he perceived it, they very formally bowed: and for the other, that is the Lord Craven, he was an old ſoldier of the German diſci-

pline, and, being alſo an old cavalier, had a chief command in the guards. Among other of his foibles, which were not a few, one was to ſeem intimate with riſing men, and that by moſt faſtidious whiſpering of politicks in their ear. This inconvenience had found his lordſhip out; and when he was put paſt his patience, and eſcaped to his friends, he uſed to call him an ear-wig. To conclude this with a merry ſtory. The king, ſeeing the Lord Dorſet, a prime wit of the time, ſtanding ſeriouſly under the infliction of the Lord Craven's whiſpering for a conſiderable time together, after they were parted, aſked him very gravely, *What it was that my Lord Craven ſaid to him?* He anſwered, as gravely, *That my lord was pleaſed to whiſper, but he did not think it manners to hearken.*

Carried himſelf ſtoutly, as judge and privy counſellor.

But to proceed, as I hinted, to ſomewhat of character, ſuch as might be obſervable in this ſtage of his lordſhip's life. Now, in the height of his reputation, he knew well that the two grand parties, Papiſt and Fanatic, were always urging their ſeveral projects at court; and, if either got ground, it would be to his diſadvantage; the former to remove, and the other to ruin him. And he conſidered alſo that no ſtability at court will continue long, but novelties will, more or leſs, obtrude. Theſe conſiderations filled him with thought; the rather becauſe he could diſcern a riſing emulation, under him, of ſuch as, if they could not wound,

laboured to deſame him; whereof I ſhall have enough to ſay afterwards. Theſe matters made him carry himſelf ſteadily in the king's ſervice, not only as judge, but counſellor; and in ſuch manner as, living and dying, whatever happened, he ſhould have his juſtification (in his own mind at leaſt) full and complete.

Coerced all paſſion, though inclined to it.

The family, of which his lordſhip was deſcended, in almoſt all the branches of it, was moſt ſuſceptible of paſſion. But his lordſhip was eſteemed free from that weakneſs, being, in all his judiciary courſe, a moſt patient hearer, and ſcarce ever perceived to fall under the impotence and indiſcretion, either in ſpeech or behaviour, which angry men are obnoxious to. He uſed to argue men into good order, rather than chide. He was not eaſy under impertinence; but gave way to it, if it came in the regular courſe of practice; but, when out of order, he leſs endured it. And when men were pervicacious before him, and would not acquieſce in his reaſons, his way was to ſling with a pointed word or two; but never loſt himſelf ſo as to vilify and revile over and over again, or diſcover any diſtemper in his mind. And, for all this, I know he was, at the bottom, as much inclined to paſſion, as any one of his race ever was; but his judgment ſhewed him the vanity, or rather miſchiefs, of ſuch diſorders; and his reaſon, and the force of his reſolu-

tions, enabled him, on all occaſions, to contain himſelf, and to curb the very firſt riſings of paſſion; and that in ſuch a degree, that he was taken almoſt for an inſenſible; and ſome of the courtiers fancied that he was a man that any thing might be put upon. It frequently happened that his lordſhip, being provoked, would warm, as I could diſcern by the air of his countenance; but few, leſs acquainted with him, could perceive any thing of it; and he was the more ſilent, as he diſcerned any ſuch emportment in himſelf; and accordingly affected a temper, and forbore to ſay many things he ſhould have uttered, if he had not diſcerned the riſing. Sometimes ill people, eſpecially of the Fanatics, would importune him in a manner that made him believe they did it on purpoſe to divide him from his temper, and, by ſome imprudent behaviour or ſpeeches, expoſe himſelf: for they, who were offenders, and muſt abide the correction of the law, deſired that the judge would ſhew an inordinate paſſion, that it might be thought they ſuffered under his diſpleaſure, rather than as breakers of the law. In theſe caſes, which were very frequent before him, he uſed to be as tame as a lamb; but failed not to pronounce critically the law, with manifeſt reaſoning, which diſappointed them every way. And ſurely, if ever there was a workman at curbing all efforts of paſſion, it was he: and thoſe, in whoſe way he ſtood, and were called

the Fanatic party, had an inveterate deſire, if by any means they could, to get rid of him; for he was one againſt whom no ſnares had any ſucceſs, and no advantage could be gained. If he had been a diſſolute, ranting man, as ſome were, or a weak, impoſable wretch, they had liked him much better. In a word: of one, by nature, paſſionate, uſe had made him habitually mild and temperate.

Paſſion a ſymptom of truth.

His lordſhip was bred *in foro contentioſo*, and had ſtudied the art of advantages, as gameſters exquiſitely practiſe; and, in that ſchool, it is a principal maxim, that *if you cannot gain upon the adverſary, be ſure let him not gain upon you. Accept the play offered; but offer none, for fear of being croſs bit.* And the foundation of this noble art is to manage ſo as to put the adverſary into a paſſion, and to be calm yourſelf. I have heard his lordſhip diſcourſe much upon this ſubject; and he ſaid that paſſion had a credit with him; for wherever it appeared, he commonly found the honeſty lay. He could diſcern often, when wrangles came before him, the ſteps of a knave, in working the adverſary, and then making his advantage againſt him. As for inſtance, the knave would ſtand the being accuſed of all the evil that could be uttered by an intemperate man againſt him, and not be moved; for, perhaps, he knew it all to be true. Then would he give the other a dry laſh or two,

that put him into a paſſion that made him guilty of many indecencies. And then he would reply mildly, *Pray, Sir, contain yourſelf, I ſhall ſay nothing but what is true.* *True?* ſaid the other in a rage, and went on. Then the knave turned to the judge, and, *my lord,* ſaid he, *you ſee this gentleman hath conceived a diſpleaſure againſt me; I know not for what; I never did him any wrong.* And then proceeded to charge all their difference upon the other's paſſionate quarrelſome humour. His lordſhip was, for this reaſon, apt to think paſſionate men honeſt, becauſe paſſion, from the nature of the thing, is always in earneſt. But as to his lordſhip's command of his own paſſion in caſes of diſpleaſure, and how, with nice turns of ſpeech, he often uſed to divert the matter, I ſhall give an inſtance or two. Once a carrier had groſsly abuſed him, and to a conſiderable loſs. *Now,* ſaid he, *If I had not been a lawyer, I ſhould certainly have ſued this man.* And upon a like abuſe, which no man could well have borne with patience, he only ſaid, *Now ſhould I be very angry with this fellow, if it would do me any good.* I remember, at his table, a ſtupid ſervant ſpilt a glaſs of red wine upon his point band and cloaths. He only wiped his face and cloaths with the napkin, and, *Here,* ſaid he, *take this away;* and no more. I do believe that this ſeeming apathy, which was the effect of his reaſon, and juſt eſtimate of

things with reſpect to his character, and good, or evil conſequences, was prejudicial to him at court; for the trickers and jeſters there (as I hinted before) thought he would bear any thing. But he ſhewed moſt of them, and to their faces, that he knew how to reſent; as I have touched, on occaſion of the calumny of the Rhinoceros, in proper place.

Impudence in council ſharply coerced.

There were yet ſome occaſions of his juſtice, whereupon he thought it neceſſary to reprehend ſharply. As when counſel pretended ſolemnly to impoſe nonſenſe upon him, and when he had dealt plainly with them, and yet they perſiſted, this was what he could not bear, and, if he uſed them ill, it was what became him, and what they deſerved. And then his words made deep ſcratches; but ſtill with ſalvo to his own dignity, which he never expoſed by impotent chiding. The propereſt inſtances, that I can give of this temper, will be the ſhewing ſome impudent aſſertions of the times urged to him, or where he came, with no reaſon or law, but being utterly againſt both, and only the will and pleaſure of a faction, to warrant the braſen nonſenſe, was extant to maintain them. Theſe his lordſhip had ſet down in a paper, and titled them Impudent Aſſertions, to which I will annex a poſtil for explanation.

Impudent aſſertions.

1. That a *Certiorari* ſhould not remove an indictment. } In the famous reign of Ig-

noramus, the grand jury of Middleſex thought fit to indict the Duke of York, the king's brother, for not coming to church for a month, that is, for recuſancy; and it was thought fit that the indictment ſhould be removed, from the ſeſſions at the Old Bailey, up to the King's Bench, in order to a *non proſ.* there; and, accordingly, a *certiorari* was brought and delivered to the officer. Then comes a ſerjeant at law to move that it might not be allowed. His lordſhip was then the ſenior judge upon the bench, and gave the rule. He aſked the ſerjeant with what confidence he could come there to pretend that the court of Oyer and Terminer ſhould not obey the proceſs of the ſuperior court of King's Bench? But nothing, that he could ſay, would ſilence the ſerjeant, who ſtill urged that the indictment ought not to be removed; than which nothing could be more provoking to his lordſhip, who only told the ſerjeant *he ſpoke with a cadence, but all, that he ſaid, ſignified nothing.* This ſhort reproof fell ſo unluckily, that the worthy ſerjeant, for many years after, among the lawyers, was called Jack Cadence.

2. That the ſheriffs of London were judges in the common hall, and that it was the huſtings court. } Of this in the Examen.

3. That an Habeas Corpus did not lie for Mr. Pepys and Sir Anthony Dean, and they not delivered upon it 'till a diſſolution. } Theſe gentlemen had, in their hands, the affairs of the navy; and being creatures (as it was termed) of the Duke of York (and their places very profitable) there was a fierce diſpoſition to remove them. And, thereupon, factious crimes were ſtirred up; as (for inſtance) that they revealed to the French the ſtate of our navy; for which the only evidence was a gentleman who ſaw, at Paris, a liſt, which muſt be preſumed to have come from them. Whereas it was no other but a liſt formerly publiſhed by order of the Admiralty, and cried about the ſtreets in London. But, in fact, theſe gentlemen were committed by the houſe of commons, as for crimes at large, triable at the common law, and not for either contempt of the houſe, or breach of privilege. But, notwithſtanding all that, upon counſel urging that the Habeas Corpus did not lie, they could have no law for their liberty, till the parliament was diſſolved. His lordſhip was no judge where that cauſe came; but he uſed to exaggerate the monſtrous impudence of counſel that inſiſted ſo iniquitably.

4. That the king cannot pardon an impeachment. } This is largely treated of in the Examen. But, in his lordſhip's ſenſe,

the queſtion was juſt as fair, as if they had ſaid that the government of England was not monarchical. The king was the proprietor of all public juſtice; which all people allow. And what ſhould diſtinguiſh away his right in one court, viz. the houſe of peers, more than in all the reſt? And likewiſe, when one body of men are the accuſers; that is, have the part to inflame, more than another? Unleſs it be ſaid that the ——— are ſharers in the ſovereignty.

5. Priſoner not acquit, but the jury diſcharged, and the ſame witneſs afterwards ſpake fuller, and convicted. } This is the caſe of Whitebread the jeſuit, and will be found more fully in the Examen. There was a double enormity here; firſt, not trying the priſoner when all things were ready, and the jury charged. Next, taking the ſame teſtimony, only new inſtructed. But his lordſhip might be inwardly diſpleaſed at this and the next. It is ſure enough he did not appear in public to reſiſt either. Which muſt be charged upon the ardor of the times, and the fruitleſſneſs of appearing; and, if that be not cauſe enough of ſilence, it muſt remain, on his lordſhip's part, unanſwered.

6. Confute dying ſayings, in order to convict others. } This was under the ſame rage of the times. His lordſhip was not preſident to manage the trials. I can well remember him bitterly concerned at the

impudence of ſuch proceedings; but he knew not how to help them.

His judgment of the prerogative.

His lordſhip was commonly reputed an high flier, or prerogative-man. It is true enough that his judgment was to give the crown all its lawful prerogatives; and he would willingly have conſented that it ſhould have had, in ſome caſes, title to more; as I have ſhewed in his lordſhip's miniſtry. But that he was not equally juſt to the people in all their rights, as well of form as ſubſtance, is utterly falſe. If we juſtly regard his cenſurers, it will be found that his chief blame, at the bottom, was only that he would not ſacrifice the law to the iniquity of the times, and, contrary to manifeſt duty, deny juſtice to the crown; and ſo in other circumſtances, as faction favoured. This was demonſtrated by the ſequel; for while he was of opinion that the Tory party, in the temper of theſe times, purſued the true intereſt of England, that is to ſupport the church and crown, according to the legal eſtabliſhment of both, he was a Tory, as they called it. But when the Tory party, or rather ſome pretended leaders, exceeded in joining with ſuch as exalted the power of the crown above the law, and ſought to pull down the church; then he was dropped from the Tory liſt, and turned Trimmer. And ſo any firm honeſt man ſhall find himſelf, as it were, changed; when, in truth, he is the ſame; only the world, to which the change belongs, paſſeth by him.

I have heard his lordſhip diſcourſe much of ignominious diſtinctions, and particularly that of Whig and Tory. I have given the hiſtory of this party diſtinction in the Examen; where I have ſhewed that the faction began the game, and not the loyal party, as ſome now would perſuade us: ſo ſhall ſay only that when the excluſion bill, to diſinherit the Duke of York, was brought forth, all the factious people, and their libels, chimed in to defame the duke; and, among other topicks, that of entertaining the Iriſh men was one. Whereupon his friends were termed Bog-trotters, wild Iriſh, or, which means the ſame thing, Tories. And there was ſuch a pregnancy of contempt in that word, as made it current; and the Loyaliſts had it at every turn, with the epithets of damned, confounded, and the like. His lordſhip obſerved that the Loyaliſts were not at all aſhamed of the name, but took and owned it as their honour; which he ſaid was the beſt way to fruſtrate the wicked intent of the other ſide, which was to caſt an ignominy upon them. And ſo the primitive Chriſtians did; for that, which the Heathen caſt in their faces as the greateſt reproach, they accounted their glory, which was the croſs. But it was not long before the Tories made full payment by the term Whig; as will be found more particularly related in that book. Whig and Tory.

Orthodox, juſt and conformable.

I ſhould do an injuſtice to the honour of his lordſhip's memory, if I ſhould go about, by any reaſoning of mine, to vindicate either his probity, virtue, or juſtice; all which were amply conceded to him, even, by his adverſaries; which they expreſſed by owning him an excellent juſticiar; and that includes all the reſt. An excellent account (indeed) of a betrayer of his country, as ſome laboured to have him thought! And how little a diſpoſition he had to be a Papiſt, or popiſhly affected, as, in thoſe times, was canted, the whole ſeries of his behaviour demonſtrated: for, as to his perſon, he ever kept his church, and frequented the ſacraments, as the congregation of St. Dunſtan's and St. Giles's could teſtify for many years; in which churches he had a ſeat for himſelf and his family. If, at any time in his life, he failed, it was when he was overwhelmed with buſineſs; and then indeed he took liberty ſometimes, ſaying that Sunday was a day of reſt. But he was ſcrupulouſly conſtant in thoſe days when he was a judge, and his perſon conſpicuous, that he might be neither wanting in good example, nor be poſitively a bad one. As to his juſtice, no man was more exquiſitely bred a judge than he was; for, beſides his acquiſitions by the ſtudy of the law, in the greateſt fulneſs of it, joined with general ſcholarſhip, he had been, for many years, a leading practiſer under judges of all capacities and humours:

and knew the trick of blinding a judge by raiſing miſts, or impoſing falſe colours. No art or cunning in buſineſs was new to him; and, when it was his turn, no counſel could gain upon his ſteadineſs, by any ſtratagem they could invent to put upon him. He was ever beforehand with them, and ſhewed he knew their tendencies; though the greateſt artiſts that have been known in Weſtminſter Hall, as Mainard, Jones, &c. practiſed under him.

Irreconcileable to frauds and forgeries.

At his firſt entrance upon his judicial employment, he bent his mind to find out ways of caſing the people, that had the ill fortune to be brought under the juriſdiction of Weſtminſter Hall, either as plaintiffs or defendants. I have already ſhewed how much a friend he was to a publick regiſter of titles. He was a declared adverſary of all frauds, fraudulent conveyances, and forgery. He was never ſo alert in all his faculties, as when, upon examination or trial, he ſuſpected any ſuch falſities. After he had ſat on *niſi prius* cauſes in London and Middleſex, where commonly a conſtant ſet of men attended upon juries, eſpecially in London, a competent time, he was ſo much in credit with them by his clear way of preſenting the facts to their conſideration, and his juſt reaſoning thereupon, that they very ſeldom, if ever, found againſt his opinion. And, with this character, I cloſe this third, or judicial, ſtage of his lordſhip's

life: as to which, and the reſt, I may be thought over much his friend in expreſſing ſo much good, and ſo little evil, of his lordſhip; which, with ſome, may ſeem above human frail nature to allow. But I am ſerious, and write as if I were ſworn; entirely aſſured that all the good is true, and the evil of him no other, nor more in any reſpect, than in this work I have expreſſed.

Friendſhip to Lord Nottingham.

The Lord Keeper Finch (as was hinted before) had been an unhappy valetudinarian; and, about the time when the king began to be at eaſe, and free from the brigues of plots, declined very faſt, and, at length, ſeldom came forth, and was juſt able to do buſineſs in chancery, which was familiar and eaſy to him; but the affairs at court had forſaken him, or rather he them, and all ſettled upon his lordſhip's ſhoulders, who dealt with all imaginable friendſhip and candor, with reſpect to my lord chancellor; kept troubleſome matters from him, and when it was neceſſary for him to be troubled, or if any perſons were perceived to be creeping towards him with ſnaring propoſitions, his lordſhip always prevented them, by giving the chancellor intimation, and friendly hints; ſo that, in his weakneſs, he was ſeldom or never ſurpriſed; than which there could not have been greater inſtances of ſervice done him. And I believe there never was predeceſſor and ſucceſſor ſuch cordial friends to each other, and, in every

reſpect, mutually aſſiſtant, as thoſe two were. His lordſhip's often taking his cuſhion in the houſe of peers in his abſence, and acting, in many things, as co-chancellor, made it no wonder if, at his utmoſt declenſion, his lordſhip was, by the whole nation, voted into his ſeat.

Intelligence at Windſor.

And therefore I come now to his lordſhip's laſt and higheſt ſtep of preferment in his profeſſion, which was the cuſtody of the great ſeal of England. And, for conformity of language, I call this a preferment; but, in truth (and as his lordſhip underſtood) it was the decadence of all the joy and comfort of his life; and, inſtead of a felicity, as commonly reputed, it was a diſeaſe, like a conſumption, which rendered him heartleſs and diſpirited, till death came, which only could complete his cure. When the lord keeper lay languiſhing, his lordſhip (being newly returned from Windſor) with a charge of privacy, told us that he had there received an intimation that the great ſeal would be put into his hands; and that he had repreſented himſelf as moſt unfit for the place, and, with all his art and ſkill, had declined it. It ſeemed that this intimation was from the king himſelf. His lordſhip ſeemed then inclined, or rather reſolved, if it were offered, to refuſe it.

Reaſons, as to accepting the ſeal, *pro* and *con*.

The tenor of our diſcourſe with him, on this occaſion, was, that it ſeemed impoſſible for him to carry it off ſo; for all agreed,

that, as things then ſtood, he was the only perſon capable of the place: and while it appeared that the king's ſervice was deeply concerned, if his majeſty commanded, how could he refuſe? It would be ſaid that, having been already ſo well preferred and honoured by the king, who had a ſingular value and reſpect for him, and, by the influence of his majeſty's favour, he had greatly advanced his fortunes; now, in the criſis of his affairs, when his lordſhip's ſervice, in that poſt, was, not only uſeful but, in a ſort, neceſſary, he muſt ſubmit as a condemned perſon, or incur the cenſure of tergiverſation and ingratitude, and have no eaſe in his thoughts, on that account, as long as he lived, if he ſhould not conform to his majeſty's pleaſure in this great emergence. So we. But he might think, and not without reaſon, that we regarded our own advantage by his promotion: ſo there was ſelf-intereſt in perſuading him ſo much to his inconvenience. But, at length, he owned himſelf convinced that he could not peremptorily refuſe the ſeal; not ſo much for what we had alledged to him, but the ſtate of the times, which inextricably obliged him to the ſervice of the crown in this conjuncture. Beſides, if he rudely broke off, he wounded his intereſt, and could not anſwer that favour enough would ſurvive to keep him in the place he now had; nor that faction would not play higher at him than ever it had done.

Therefore he muſt make good his ground, and not be retrograde, and ſo keep entire his protection. But yet, as he ſaid, he would never accept the ſeal without a penſion along with it. And this is plain enough from the hints his lordſhip left behind him, which I have ſet down as follows:

Hints of his lordſhip about the great ſeal.

Deſire to avoid and ſilence. Lord chancellor dies, notice, and decline without penſion. Seals deliver, and manner. ——— } Theſe are all in ſeries of the ſame matter: therefore I ſhall purſue

them as they lie. It appears firſt, that, when the intimation was given to his lordſhip, he made no anſwer; which is underſtood by the word ſilence. After the Lord Chancellor Finch was dead, and ſome time before, all the handles, that could be, were held out as temptations to him to ſue for the place. This was the cunning of the Lord Rocheſter, then chief in the treaſury, who was working the huſbandly point to ſave the penſion; which he might, perhaps, do better if the place were aſked, than if it were profered. But his lordſhip, as he wrote, anſwered all with ſilence. But this artful proceeding of the Lord Rocheſter was plain enough to be diſcerned; and his lordſhip would have ſmelt a ſubtiler trap than that. When the time was taken at Whitehall, to make the profer from the king directly, his lordſhip inſiſted not to accept, unleſs a penſion was added. For the charge, of

living in that high ſtation, was not anſwered by the ordinary profits of the ſeal; and he could not, without his majeſty's bounty, ſuch as had been allowed to his predeceſſor, undertake to comport with that dignity as his majeſty's honour and ſervice required, and would be expected from him. His lordſhip was much oppoſed, and argued with upon this point, with perſuaſions not to capitulate. It was dangerous to do it, and not for the king's ſervice; for ſuch, being now yielded to, would rivet a precedent. The Lord Nottingham had indeed a penſion; and now another would turn it to a ſalary, as of courſe, to charge the crown. It would be much better to accept the ſeal, and rely upon his majeſty's goodneſs, who doubtleſs would do better things in a way of bounty, than upon terms. But theſe, and other court ſyllogiſms, were fitter for chickens, that would peck at ſhadows, than for his lordſhip, who, all the while, reſented their ill uſage, and mean opinion of him; and one, of leſs temper than his lordſhip, would ſcarce have borne it. But, his lordſhip perſiſting, it was condeſcended to, that he ſhould have a penſion of 4000*l.* per annum; and then his lordſhip ſeemed contented to accept; and the king came, and put the ſeal (in the purſe) into his lordſhip's hand, ſaying *Here, my lord, take it; you will find it heavy.* And therein his majeſty acted the prophet, as well as the king; for, not long before his

lordſhip's laſt ſickneſs, he told me, and diverſe other of his friends, *that he had not enjoyed one eaſy and contented minute ſince he had the ſeal.*

The evening when he went, upon this errand, to Whitehall, ſome of us ſtaid in expectation of his coming home, which was not till near ten; little doubting the change that was to happen. At laſt he came with more ſplutter than ordinary, diverſe perſons (for honour) waiting upon him, and others attending to wiſh him joy, and a rabble of officers, that belonged to the ſeal, compleating the croud, which filled his little houſe. His lordſhip, by diſpatching theſe incumbrances, got himſelf clear as faſt as he could; and then I alone ſtaid with him. He took a turn or two in his dining room, and ſaid nothing; by which I perceived his ſpirits were very much roiled: therefore I kept ſilence alſo, expecting what would follow. There was no need of aſking what news, when the purſe, with the great ſeal, lay upon the table. At laſt his lordſhip's diſcourſes and actions diſcovered that he was in a very great paſſion, ſuch as may be termed agony; of which I never ſaw in him any like appearance ſince I firſt knew him. He had kept it in long; and, after he was free, it broke out with greater force: and, accordingly, he made uſe of me to eaſe his mind upon. That, which ſo much troubled him, was the being thought ſo weak as to

Paſſion at ill uſage.

take ill uſage from thoſe about the king (meaning the Earl of Rocheſter) with whom he had lived well, and ought to have been better underſtood. And, inſtead of common friendſhip, to be haggled withal about a penſion, as at the purchaſe of an horſe or an ox; and after he had declared poſitively not to accept without a penſion, as if he were ſo frivolous to inſiſt and deſiſt all in a moment; and, as it were, to be wheedled and charmed by their inſignificant tropes; and, what was worſt of all, as he more than once repeated, *to think me worthy of ſo great a truſt, and withal ſo little and mean as to endure ſuch uſage, as was diſobliging, inconſiſtent, and unſufferable. What have I done*, ſaid he, *that may give them cauſe to think me of ſo poor a ſpirit as to be thus trifled with?* And ſo on, with much more of like animoſity, which I cannot undertake to remember. And, after theſe exhalations, I could perceive that, by degrees, his mind became more compoſed; and time, that conquers all things, diſſipated theſe perſonal reſentments, and made way for troubles of a ſtronger impreſſion. And afterwards, like a good chriſtian, he forgot and forgave, making no dependances, or troubles, to himſelf or others, eſpecially not to offend the king, on account of any diſtaſte; but correſponded and co-operated, with all thoſe which his majeſty thought fit to ſerve him, with all eaſineſs and affability. This is a method not

much practiſed by courtiers and inſulting favourites, who breathe nothing but ruin and deſtruction to all that offend them; but in the eaſe and happineſs of a monarch, a jewel not inferior to any that can ſhine in his crown. After this, his lordſhip applied himſelf to the eſtabliſhment of his family and officers. He went to Weſtminſter Hall, the firſt time, as uſual, with an honourable parade of nobility, &c. for honour attending him. It was ſome time before he could be poſſeſſed of the great houſe in Queen-ſtreet, where the ſeal had been formerly kept, and had a room fitted for hearing motions, and cauſes in equity. And, till then, he kept his days in the Middle-Temple-Hall, elſe he moved not but when he went to take his ultimate reſt at Wroxton.

His burthen encreaſed.

By his acceptance of the great ſeal, he became, as before of the law, ſo now of equity, a chief, or rather ſole, juſtice. And, more than that, he muſt be a director of the Engliſh affairs at court, as chief miniſter of ſtate with reſpect to legalities, for which he was thought reſponſible. So what with equity, politicks, and law, the cares and anxieties of his lordſhip's life were exceedingly encreaſed: for either of theſe provinces brought too much upon the ſhoulders of any one man, who cordially and conſcientiouſly eſpouſeth the duty required of him, to be eaſily borne.

The chancery court eaſy to

As for the buſineſs of the chancery, our

his lordſhip. The riſe and encreaſe of it.

work will be ſhort; becauſe that province was eaſy to his lordſhip; except only when his time was retrenched ſo that he could not ſufficiently attend it. He had been a capital practiſer there as ſolicitor and attorney-general, and in the front of buſineſs for many years; which made the whole tour of that court familiar to him. The greateſt pain he endured, moved from a ſenſe he had of the torment the ſuitors underwent by the exceſſive charges and delays of the court. For the eaſing of whom, he was always in thought, more or leſs, to contrive ways and means of expedition, and retrenchment of charges. As the buſineſs of that court is more, and of greater value than that of other courts, ſo are the abuſes more felt; and, conſequently, his lordſhip was more intenſe in his meditations to regulate them. And the truth is, a court, as that is, with officers and fees proper for a little buſineſs, ſuch as the judiciary part anciently was, coming to poſſeſs almoſt all the juſtice of the nation, muſt needs appear troubled. For it began with common petitions, and the defendant's anſwer wrote on the back of it. And, when the proceſs was young, a *ſubpœna*, which was a legal writ, and attachment upon it for diſobedience, carried great terror. But when the terror of that abated, and defendants came in but ſlackly, then addition was given to the terror, and proclamations were to be made upon the ſecond

attachment, if the party hid away from the firſt; and if that ſecond proclamation did not fright him in, then he was a rebel, and commiſſioners, that is, a petit army, was raiſed to fetch him in, as ſtanding out in rebellion; and there was an end. But if he was caught and eſcaped, then the king's ſerjeant at arms went to look for him. But ſequeſtrations were not heard of till the Lord Coventry's time, when Sir John Read lay in the Fleet (with 10,000*l.* in an iron caſh-cheſt in his chamber) for diſobedience to a decree, and would not ſubmit and pay the duty. This being repreſented to the lord keeper as a great contempt and affront put upon the court, he authoriſed men to go and break up his iron cheſt, and pay the duty and coſts, and leave the reſt to him, and diſcharged his commitment; from thence came ſequeſtrations; which now are ſo eſtabliſhed as to run of courſe after all other proceſs fails, and is but in nature of a grand diſtreſs, the beſt proceſs at common law after a ſummons, ſuch as a *ſubpœna* is; what need all that grievance and delay of the intervening proceſs?

His lordſhip was ſenſible of the prodigious injuſtice and iniquitable torment inflicted upon ſuitors by vexatious and falſe adverſaries, aſſiſted by the knaviſh confederating officers, and other chicaneurs that belong to the court. He was no leſs deſirous heartily to apply all the remedy he was able to ſo

Senſible of, and deſirous of remedying all evils in that court.

malignant a diſeaſe, of which he had had full experience; and he had frequently obſerved it in the courſe of his practice. For the Lord Keeper Bridgman, and Lord Nottingham, gave all liberty to counſel and officers; ſo that then the not very commendable trade of the court ran high.

Of the Lord Bridgman, Lord Nottingham, Lord Shaftſbury.

The Lord Bridgman, who was a very good common law judge, made a very bad chancellor. For his timidous manner of creating and judging abundance of points, ſome on one ſide, and ſome on another; and, if poſſible, contriving that each ſhould have a competent ſhare, made work for regiſters, ſolicitors, and counſel, who dreſſed up cauſes to fit his humour. Then came my Lord Shaftſbury like the month of March, as they ſay, *in like a lion, and out like a lamb.* For he ſwaggered and vapoured what aſſes he would make of all the counſel at the bar; but was ſoon reduced, as is more fully declared in the Examen. The Lord Nottingham, formerly attorney-general, came in and ſat there a great many years. During his time, the buſineſs, I cannot ſay the juſtice, of the court flouriſhed exceedingly. For he was a formaliſt, and took pleaſure in hearing and deciding; and gave way to all kinds of motions the counſel would offer: ſuppoſing that, if he ſplit the hair, and, with his gold ſcales, determined reaſonably on one ſide of the motion, juſtice was nicely done. Not imagining what

torment the people endured, who were drawn from the law, and there toſt in a blanket.

His lordſhip coming after, and knowing how much the ſuitors endured by this flouriſhing of the court, and having no content in any thing but the ſubſtance of juſtice, and diſpatch of the ſuitors, and ever accounting that unreaſonable delays were the ſame in the mean, as injuſtice was in the end; and that it often made the ſuitor quit his right, rather than live upon the rack in purſuing it; bent his thoughts to compaſs a tolerable regulation of the court. It may be aſked what came of all this? For ſurely ſomewhat conſiderable muſt be done by way of reform, when his lordſhip not only ſaw the neceſſity, but had power to amend faults. As for that, I muſt inform that his lordſhip conſidered the nature of alterations; and that, when folks deſign very fairly to ſtop one hole, two or more ſhall ſpring in the room of it. So very hard is it to foreſee events, and to meet with the bad practices of corrupt agents. He was reſolved to make and publiſh a book of rules and orders for the direction of the officers, clerks, and ſolicitors in their practice, and for the advantage of the ſuitors, in the beſt manner he could contrive. But he thought it not a right method, as ſome have done, at the very firſt to fall on with a volume of alterations, before he had made ſome experiences in the

His lordſhip's care and method of introducing his amendments in the court of chancery.

court, and conſulted the clerks, and the bar, as he often did afterwards in public, to hear what they could alledge for, or againſt, any thing he thought fit to propoſe to them, when the inconvenience, to be removed, was flagrant in court. And, accordingly, he ſat and diſpatched the buſineſs of the court, and, as occaſion profered, he declared his mind, and retrenched many ſuperfluities, or rather nuiſances, in the court. Another thing, that made him decline falling ſo early upon a book of orders, was, that it would give ſo great alarm to the bar, and officers, with the ſolicitors, as would make them confederate, and demur, and, by making a tumult and diſturbance, endeavour to hinder the doing any thing of that kind, which they would apprehend to be very prejudicial to their intereſts. Whereas, if the matters were preſented in court on fit occaſions, which would offer themſelves frequently, the work would almoſt do itſelf by degrees; which, all at once, would meet with great oppoſition. And after he had thus occaſionally put in practice the chief of his intended regulations, and ſeen, in ſome meaſure, the conſequences of them, he might, with more aſſurance, and better ſatisfaction to himſelf and others, bring all together into a firm eſtabliſhment, by an ample ſettlement of the courſe in practice, to be obſerved for the future.

Retrenched motions for

And, purſuant to this propoſition made

to himſelf, he began firſt to reſcind all motions for ſpeeding and delaying the hearing of cauſes beſide the ordinary rule of court. And this lopped off a limb of the motion practice. I have heard Sir John Churchill, a famous chancery practiſer, ſay, that in his walk, from Lincoln's-Inn, down to the Temple-Hall, where (in the Lord Keeper Bridgman's time) cauſes and motions (out of term) were heard, he had taken 28*l.* with breviates, only for motions and defences for haſtening and retarding hearings. His lordſhip ſaid that the rule of the court allowed time enough for any one to proceed or defend; and if, for ſpecial reaſons, he ſhould give way to orders for timing matters, it would let in a deluge of vexatious pretences: which, true or falſe, being aſſerted by the counſel with equal aſſurance, diſtracted the court, and confounded the ſuitors. He uſed to commend the common law for the preciſeneſs of its rules. There men knew their times to plead, to give notices, to enter judgments, &c. and he would have the like done in the chancery. *Therefore*, ſaid he, *look to your hits: you know the courſe and the time; do accordingly, and you ſhall have the benefit, and not be haſtened or delayed.*

ſpeeding and delaying hearings.

Then, he found very great miſchief by errors in maſters reports, which, ſhewn to him, had been ſet right: but the parties craftily let the report go, and depended to bring it back by exceptions, and ſo torment the court with abundance of frivolous mat-

He ordered the parties to ſhew the maſters any errors; but that turned to ill effect.

ters for experiment, and come off at laſt with ſuch a ſlip which carries the coſts, and is an immane vexation to the parties. His lordſhip ordered that each party ſhould have a copy of the report before it was delivered out ſigned: to the end they might, if there were cauſe, ſhew the maſter any groſs miſtakes: for ſuch often happened by inadvertence, and were made a foundation, by way of trick, to lodge exceptions upon, and ſecure coſts. But I am apt to think that, if his lordſhip had ſtaid much longer in the court, that order would have received very great alteration; for, with all the good intended, and manifeſtly appearing in the front of it, yet, in practice, it turned to delay and vexation, as bad, if not worſe than before. For it introduced two reports inſtead of one, and multuple attendances. For the vexatious ſide baffled before the maſter, as long as he could, upon trifles, keeping back the true points; and then, after the report was drawn, and copies delivered out, there come in the exceptions in writing, and the cauſe, before the maſter, was but beginning. And theſe exceptions, before the maſter, were added in the cauſe: and it is become almoſt of courſe to preſer them; as if exceptions to the court had not been vexation and delay enough.

He ſtopt the courſe of injunctions upon exceptions to an anſwer filed.

He was a profeſſed adverſary to all attempts for ſtopping the courſe of the common law. I remember one Barebones, that was called doctor, a famous builder, that over-

traded his ſtock about 1000*l.* per ann. and often wanted injunctions to ſtay ſuits at law, finding his deſigns, that way, now failing, ſaid to me *that his lordſhip had not ſat yet long enough to be a good chancery man:* for it is the foible of all judicatures to value their own juſtice, and think, or at leaſt pretend, that there is none ſo exquiſite as their's; and, ſpeaking of other courts, it is commonly with an air of contempt; while, at the bottom, it is the profits accruing that ſanctify any court's authority. And, upon this account, the court of chancery had been very liberal in the matter of injunctions to ſtay ſuits at law. But his lordſhip thought fit to deny them in many caſes where they uſed to go almoſt of courſe. As, for inſtance, upon exceptions filed to an anſwer; which uſed to be a bar to the motion for diſſolving the injunction upon coming in of the anſwer; which injunction uſed to go of courſe, upon an attachment ſued out, for want of an anſwer, or *dedimus* iſſuing to take an anſwer in the country. But his lordſhip required the counſel, that would continue the injunction, to ſhew that the anſwer was inſufficient in a material point. And the like was done in ſome other caſes; I do not inſtance in all.

His lordſhip alſo ſet himſelf to ſtop the ſuperfetation of orders. And they were a ſubject of his daily reprehenſion; for the cauſes came often to an hearing, with a file

Retrenched the ſuperfetation of interlocutory orders.

of orders in the ſolicitor's bundle, as big as the common-prayer-book, for commiſſions, injunctions, publications, ſpeedings, delayings, and other interlocutories; all dear ware to the client in every reſpect. But, in a few terms, his lordſhip reduced the quantities; for he was ſtrict to the obſervance of his rules; and, for the moſt part, refuſed to make orders *niſi*, &c. as commonly was prayed when notice was not given of the motion; but held the ſolicitors ſtrictly to their notices to be made appear by affidavits (and thoſe to be filed) or they took nothing by their motion. Nor would he, without apparent equity demonſtrated, grant anything to divert a cauſe out of its due courſe. And thus the tricking ſort of practice, ſo much uſed in the court formerly, was greatly diminiſhed. And the ſolicitors were fearful of uſing art; for, being taken napping, they never eſcaped ſharp reproof, and the cauſe fared no whit the better for it, and their own credit ſuffered.

Very difficult about rehearings.

His lordſhip ſet his face alſo againſt the infinite delays by rehearings, re-references, and new trials; in all which caſes, he was ſo difficult that nothing but the plain reaſon in the world, or rather neceſſity, drew him to yield to grant them.

His method of controuling the regiſter's office.

The laſt inſtance of his lordſhip's care of the ſuitors, was to quicken the diſpatch at the regiſter's office, and (if poſſible) to break the neck of thoſe wicked delays that

there. This was the hardeſt matter to redreſs that belonged to the court. The regiſter's is a patent office, and the poor men, the deputies, come into their employ upon very hard terms, and the charge of preſents and new-year's gifts adds to the weight upon them; ſo as they are forced to buſh about for ways and means to pay their rent and charges, and gather an eſtate, as they think muſt be done, in a few years; wherein they are not wanting to uſe their beſt endeavour, leſt they ſuffer in the reputation of their ſkill. And, accordingly, ſcarce an order paſſeth without bribes for expedition in that quarter; and that is an article, in the ſolicitor's bill, as much of courſe as the fee for the order. His lordſhip uſed to chide them publickly, when juſtly complained of (and it could ſcarce be otherwiſe than juſtly) and alſo be very ready and eaſy to admit of complaints. And to prevent the colour they uſed for delay in caſes decreed upon points nicely decided, and alſo to prevent motions for ſettling ſuch orders, which often was done to jog the matter again, and ſee if the opinion of the court would alter, his lordſhip hath frequently ordered the regiſter to attend him in the afternoon, and take the ordering part penned by himſelf. And his lordſhip was deſirous, for his own ſatisfaction in many caſes, to do ſo; for if the reaſons of his decree were ſpecial, and ſuch as came not

under every cap, he cared not to leave the expreſſion of them to the precipitate diſpatch of a blundering regiſter. At length the regiſters, finding what was agreeable to his lordſhip's mind, and what kind of orders he was careful in pronouncing, thought fit, of their own accord, in ſuch caſes, to attend his lordſhip with their penning, and receive his lordſhip's ſenſe and corrections; and he always took it well when they did ſo, and was never uneaſy to them. And the memorable regiſter, Mr. Henry Deveniſh, was very well thought of by his lordſhip for his candid applications to him in that kind.

His lordſhip's deſigning a book of rules and orders.

Here it will be proper to thoſe who may ſay, ſince his lordſhip knew the diſeaſes ſo well, and had ſo much buſied himſelf in the cure, why was time loſt, and no general regulation of the courſe and practice of the court made? To that I muſt anſwer with bitter laments for the ſhortneſs of his lordſhip's life, which allowed but three years to his ſitting upon that bench. He was naturally very quick of apprehenſion, but withal, very deliberative, and would not only think long, but conſult perſons to be concerned, and conſer with the ſkilful, and take the thoughts of his ordinary friends, whenever he was to do any thing that had a long train of importances to follow; and being once ſatisfied within himſelf, he was not wanting to ſtrike deciſively and effectually. And it is to me very certain, that if

his lordſhip had ſat in that court a year or two longer, with tolerable quarter from the public, he had publiſhed a book of rules and orders, which had gone a great way towards purging out the peccant humours of the court, at leaſt ſo far as the lord keeper had it in his power to do: and it muſt be confeſſed that is ſomething reſtricted as to reformation of the offices; becauſe equity is due to the officers as well as to others.

His lordſhip conſerved the rights of officers, and aimed only to obviate abuſes.

And, in all his deſigns, he ſhewed no diſpoſition to retrench officers, or the juſt profits of their places; but only that he would have them held ſtrictly to their duty, and not have it in their power to aid abuſes for their peculiar profit; and to be ſubject to correction, when either negligent, or ignorant: and to make amends to the ſuitors, who ſuffer thereby. Now moſt think that the offices themſelves are the abuſe, and ought to be retrenched; for, what ſignify the ſix clerks, but to keep checks upon numbers of ſheets that they may reckon ſtrictly with the under-clerks, and not be impoſed on, as to their dues, by them? What ſignifies all the proceſs between a *ſubpœna* and a ſequeſtration, and the officers that depend thereon, when the former is a ſummons, and the latter a *diſtringas*, anſwerable to the common law? And the like in ſeveral inſtances. But I gueſs his lordſhip conſidered that there was a juſtice due as well to the crown, which had

advantages growing by the diſpoſition of places, profits by proceſs of all ſorts; as alſo the judges and their ſervants, and counſel at the bar, and ſolicitors, who were all in poſſeſſion of their advantages, and by publick encouragement to ſpend their youth to make them fit for them, and had no other means, generally, to provide for themſelves and their families: and had a right to their reaſonable profits, if not ſtrictly by law, yet through long connivance. And men, not irregular, or undeſerving, ought to have, not only protection but, encouragement.

He left reformation of offices to the parliament, his juſtice wanting power as to that.

If any public order of men, or their employments, were miſchievous to the publick, it was for the parliament to remove them; and even they have always had a regard to the profits of officers, and ſeldom do any thing to their prejudice; and it is pretended that ſuch intereſts hinder regulations in parliament. But that need not be ſo; for the parliament can make them compenſation, but a judge hath no power or reaſon to alter the ſtate of the offices under his judicature; but to reduce them to order, and keep them up to reaſon and duty, is ſufficient.

He had no vanity, but went cloſe to truth with all poſſible caution.

In all his model of regulation there was not the leaſt oſtentation or vanity, no formal inventions, but a direct intention to follow the truth of things, and to repreſent them pure and ſincerely, with infinite caution that nothing he propoſed, as far as he could foreſee, might poſſibly turn to the prejudice of

any perſon, at leaſt not irretrievably; but that they might be as a fence or guard to rights, and to keep them from being oppreſſed by colour of law, and the courſe of the court, as they call it.

He was no collector, as ſome may be, who pretend to a great deal more than his lordſhip did; and ſit, as at a receipt of cuſtom, and, hearing diverſe people talk, from thence imbibe projects, of the practice of which they know little, but as they are inſinuated (for the moſt part) inſincerely, by deſigning officers and others, who project for their own private intereſt, and, under colour of the publick good, when nothing is leſs in their thoughts, ſuggeſt what makes for themſelves. And ſometimes they prevail with great men, who do not plumb to the bottom, nor diſcern the drift or conſequence, to put forward authoritatively their contrivances, by the name of regulations. But his lordſhip touched nothing but out of his perſonal obſervation and experience; and, being wonderful ſagacious to underſtand the drift of all people in their buſineſs, was capable to know from things, and not from relation, what was amiſs, and how (probably) to amend them, without introducing (as often happens) worſe inconveniences. For he had ſeen acted to the life, all the diſmal troubles men brought upon one another, by delays and ſhifts in chancery cauſes, together with all the bad qualities of an unjuſt,

Touched nothing but what he knew experimentally.

beggarly, crafty ſuitor, to the mortification of a poor client. I have often heard him mention a poor gentleman that had a very juſt cauſe, and was of himſelf very honeſt, but had not ſo much craft as his adverſary, who, according to the forms and liberties given in the court and the offices of it, had ſnares laid for him which caught him; ſo that the counſel of his adverſary, with their uſual art, dreſſed him up in circumſtances, colourable as they ſet them out, and made him look as like a very knave, as if he had been ſo in earneſt. This was all ſurpriſe to him; and his own counſel was not inſtructed and ready enough to wipe him clean; and he, not having elocution to ſpeak for himſelf, took the matter ſo to heart, as that he went home and, in a fit of ſorrow, died.

His lordſhip uneaſy with reſpect to remanets.

But to proceed: nothing ſat heavier upon his ſpirits, than a great arrear of buſineſs, when it happened; for he knew well that, from thence, there ſprang up a trade, in the regiſter's office, called heraldry, that is, buying and ſelling precedence, in the paper of cauſes, than which there hath not been a greater abuſe in the ſight of the ſun. If men are not forward, the officers know how to make them come on and pay; for they will expreſsly poſtpone the unprofitable cuſtomers, and ſo bring them to a ſort of redemption. Therefore if the paper of cauſes is not well watched by the court, and the officers ſometimes checked (for which,

at beſt, there will be occaſion enough) no man, without a vaſt expence, ſhall know ſurely when his cauſe will come on. And, as a poor treaſury makes a rich treaſurer, ſo this grievance is greateſt, when the court itſelf wants diſpatch. For the cauſes, left one day, are remanets to the next, and ſo on to the next, that there are attendances enough on that account. But when, over night, a man ſees his cauſe the firſt in the paper, and, next morning, finds it at the bottom, his diſappointment is great; and he will be told that, without a touch of purchaſeable heraldry, he will never be ſure of his time. I have heard his lordſhip ſay that he never ſlept well if, in his paper over night, he found a great arrear of cauſes: ſo concerned was he, leſt he might not be able to diſpatch them. And, according to this compaſſionate intention, he laboured continually to retrench ſuperfluities, as well in the modes of the bar practice, as in the paſſing orders, and other office diſpatches. By which means, at length, he got the maſtery of the court; and his remanets (if any) were few, and a moderate day often ſpent them; and then his heart was at eaſe. This continued till the parliament and (more unhappily) his own weakneſs came on, and made him unable to continue that cloſe application to the buſineſs of the court; and, for want of due time allowed for hearing of cauſes, the reins of the court grew

looſe, and the paper became loaded with remanets, which to ſee was of itſelf, to him, a ſickneſs. And I am confident it was one, and not the leaſt, ingredient in bringing forward upon him that fatal diſtemper which, after it had once ſeiſed, never left him till he died.

His lordſhip's care of the orders of the court, and preferring his reaſons.

It was his lordſhip's manner, when he ſat in the court, to hold in his hand, the paper of cauſes; and if any thing moved in his thoughts conſiderable, either towards regulation of abuſes, improving the forms and courſe of the court, or (in the hearing of cauſes) of nice reaſon, and difficult to determine, he called for the regiſter's pen, and wrote it upon the day paper. He was much uſed to write upon his hand, and could do it very ſteadily; and, when he came home, he laid by the paper, with others he had ſo wrote upon, that if he would form a more ſolemn report of the caſe, he had the hint eaſily to do it. But he might alſo have another end in it; for if (as was touched before) a decree was pronounced, with exquiſite terms and diſtinctions, his lordſhip did not always leave the drawing of the order to the regiſter; for, if he miſtook the ſenſe of the court, then certainly followed re-hearings, or motions to ſettle the order; and ſometimes the regiſter himſelf, if he doubted, would come to his lordſhip to explain his ſenſe to him. But his chief care of this kind was when the ſubject matter of the cauſe

was touchy, and great men, or great parties, concerned themſelves in it, and there might afterwards follow ſome calumny or complaint.

I ſhall not have occaſion here to touch more at large any of the eſpecial litigated cauſes which he decreed. As for the few which were publickly taken notice of, and made the ſubject of news, and, by certain vile writers, traduced; amongſt which are the caſe of Mr. Mayot's will, which is already fully related in the Examen; and the caſe of the Duke of Norfolk againſt his brother; they ſhall be fully accounted for afterwards. It is the practice of libellers to take, or make, any pretences for calumny; but if never ſo many things are done well, there is no notice taken of them. And any hiſtorian, that doth the one, and not the other, is a partial tool, and no better than a libeller. Therefore, againſt the reflections falſely caſt at the before-mentioned caſes, I will ſubjoin one, wherein his lordſhip's conduct, as well as decree, may juſtly, and even in the meaſure of his adverſaries (if it were not for his commendation) be accounted beyond the ordinary, even to a pitch of heroical juſtice. And it was in 1684, 1 Ja. II. between Fitton and my Lord Macclesfield*, formerly

Libellers ſay nothing well. A notable trial of his lordſhip's juſtice in the caſe of Fitton.

* This caſe is already related in the Examen; but as I find ſome more circumſtances, of a pretty extraordinary nature, added to this account of it, I thought proper to inſert it in this life.

Gerrard. The cauſe was firſt decreed twenty-two years before; and now came to be heard before his lordſhip, upon a bill of review, to reverſe the old decree. Mr. Fitton had lived very poor, and moſtly in priſon, ever ſince the decree, which had undone him. He was a notable, buſy, ſoliciting man, and a Papiſt; and that was a character of notable recommendation in the court of King James II. Upon this account, Fitton had wormed himſelf into much favour; for the opinion they had entertained of his induſtry and ability was extraordinary: and, on the other ſide, the Earl of Macclesfield was ſtiff of the anti-court party. Fitton thought that, by virtue of his advantage in this reign, if he brought his cauſe about again, he ſhould get the better of his adverſary. Accordingly he went to work; and there being nothing in the cauſe, but the errors aſſigned in his bill of review, it ſoon came into the paper to be heard; and that was the time to ply his fare at court, to get an intereſt ſo ſtrong as might ſecure my lord keeper, and then the work was done: and, accordingly, the king himſelf was ſo far overſeen as to ſpeak to his lordſhip for Fitton; which he did upon the uſual topick, *of giving a favourable and patient hearing; and, in the main, recommended the cauſe to his juſtice.* But all the lords, of that intereſt, and ſome others of moſt potent influence, at that time, applied to his lordſhip more

directly for his favour, as to a poor, oppreſſed man. I believe his lordſhip was never ſo beſieged in all his life; and I believe it irritated his ſpirits ſo much that, if he would have been partial, it had been for the other ſide. But the cauſe came on, and the council ſtrong on both ſides. The Earl himſelf was in court, without any company of his own. He, knowing the ſtate of affairs, concluded his cauſe, at this time, loſt, and depended upon ſome after-game to retrieve it. But there might be obſerved, about the court, enough of the oppoſite party. His lordſhip took himſelf to be upon the tenters of his behaviour; and, for that reaſon, determined to let the counſel, on both ſides, have their full ſwing; and, however importunate, not to correct them for any thing, but only to hold them cloſe to the points, and then to let them talk their fill. I muſt confeſs that, being preſent at the hearing, and obſerving ſo much impertinency, and ſome indecencies of counſel, and no reproof at all from the court, as uſeth to be in ſuch caſes, I wondered at the different method. For he ſat ſtill, and ſometimes aſked if they had all done, or if they had any thing more to ſay? Which often drew on more talk, though no other than repetition; all which, contrary to cuſtom, he bore, till all ſaid they had done, and had no more to ſay. It may not fall under every one's obſervation, that counſel

at the bar will ever leave a cauſe, when it is ſome way hinted to them that the court is inclinable on their ſide; for judges, that have a bias, will ſeem to bear hard againſt the ſide they intend to determine for, and, at laſt, come round off; the meaning of which is obvious. In this caſe, his lordſhip coming to his decree, took notice that there was ſomewhat very extraordinary, that made this cauſe to be brought on now before him, when ſo many worthy and learned judges had ſat in his place, during the intervening time ſince the firſt decree, and he could not conceive what could be expected from him more, or otherwiſe, than from any of them. But ſince he was choſen out to determine this cauſe, he would do it according to the beſt of his judgment and conſcience, and ſo diſmiſſed the bill. He ſaid he would not declare what he might have done, if the cauſe had come before him when recent, or in a decent time after the firſt decree, when fact of forgery (as was in the caſe) might reaſonably be examined; but after great length of time, and ſince the parties, having had full liberty allowed them to proceed in due time, had done nothing, they had ſlipt their opportunity. And now, after ſo many chancellors, and ſeſſions of parliament let paſs, to come at laſt to him, that had no reaſon to value himſelf againſt thoſe great authorities, he thought he could not, and therefore would not alter the decree.

When this was done, the Earl of Macclesfield, who little expected his eaſe ſo ſoon, for he had always joined with his lordſhip's enemies (which ſuppoſed prejudice in a judge, many think, hath not a good influence upon a man's cauſe) went out of the court down into the hall, and walked gravely and ſilently to a bookſeller's ſhop, and aſked for his lordſhip's picture (then newly printed and ſold) and, having paid down his ſhilling, rolled it up and, without ſaying a word to any body, went away. Whether he was ever the more or leſs friend or enemy to his lordſhip, after this, I know not. But it is ſure enough that the Roman Catholick party took umbrage, from this judicial ſentence, among other actions of his lordſhip, to conclude he was inflexible to any purpoſes of theirs; and it confirmed a reſolution, taken by the buſy part of them, to heave him out of the way, before any of their critical deſigns were, or well could be, brought forward.

Caſe of the Duke of Norfolk and his brother. And Jeffries's ill uſage.

And now I proceed to the other before-mentioned remarkable caſe decreed by his lordſhip; but it ended not ſo. And it was this. The point was of a term of two thouſand years, whether it may be entailed, or not; but it did not turn upon the common law, for, there, it is clear not, but proved to be a right in equity, being a truſt. If this entail ſtood, Eſme Howard, a brother of the Duke of Norfolk, had the equitable

right; if not, then the Duke himſelf. And he was a Proteſtant, but the other a Papiſt; and it will appear what influence that had. The Earl of Nottingham heard the original cauſe, and called to his aſſiſtance the three chiefs, Pemberton, of the King's Bench, his lordſhip, of the Common Pleas, and Mountagu, of the Exchequer. And, after the hearing, the Lord Nottingham deſired their opinions, which were clearly that the truſt ought to follow the law. When they had done, the chancellor did not ſhew them the reſpect of debating any of their reaſons in the leaſt; but, in a formal, and, ſeemingly, prepared ſpeech, decreed the direct contrary. When his lordſhip had the ſeal, and ſat there, the cauſe, upon a rehearing, or review, came again to be heard before him: and he, knowing no rule but his judgment of the law, and conſcience in equity, reverſed the decree. Afterwards, Eſme Howard preferred an appeal to the houſe of lords. It ſeems Sir George Jeffries was then chief juſtice of the King's Bench; and he, by means of ſome encouragement he had met with, took upon him the part of ſlighting, and inſulting his lordſhip on all occaſions that profered. And here he had a rare opportunity; for, in his rude way of talking, and others of a party after him, he battered the poor decree, not without the moſt indecent affronts to his lordſhip that, in ſuch an aſſembly, ever were heard.——

His lordſhip, whoſe part it was to juſtify his decree, took not the leaſt notice of any indecency, or reflection, that regarded him, but made a deduction of the caſe, and gave his reaſons amply, and with calm and exquiſite temper. But his decree was reverſed. I heard a noble peer ſay that *he never ſaw his lordſhip in ſo much luſtre as he appeared under the ill uſage of that day;* and he was more admired, than any ſucceſs of his reaſons could have made him. But now, having opened this ſcene, we are not to expect other than oppoſition, contempt, and brutal ill uſage of that chief towards his lordſhip, while he lived. The Earl of Nottingham's was printed, but his lordſhip did not think fit to intereſt himſelf, in a private cauſe, ſo far as to become a party in print, although all the chancellor's flouriſhes were fully anſwered and reſolved. And as for certain ſcandals and lies, raiſed and printed by a *foul libeller, relating to this cauſe, I do not think them worth taking notice of.

Short account of the chief juſtice Jeffries, from his beginning, to his death in the Tower.

But as to Sir George Jeffries, having ſaid ſo much of his ill uſage of his lordſhip, I think it proper to give ſome particular account of his character; which I ſhall, for the moſt part, do by annexing ſome ſhort explanation to his lordſhip's own notes of him: and thoſe are more explicite of him,

* The author of the Lives of the Lord Chancellors.

than of any other perſon; for all the other men of law in England, in place and out of place, muſtered together, did not ſo much affect his lordſhip's quiet, as the behaviour of that chief did; of which a juſt view is preſented elſewhere. To take him from his beginning, he was a gentleman's ſon in Wales, of whom it was reported that he uſed to ſay George (his ſon) *would die in his ſhoes.* His beginnings at the inns of court, and practice, were low. After he was called to the bar, he uſed to ſit in coffee-houſes and order his man to come and tell him that company attended him at his chamber; at which he would huff, and ſay, *Let them ſtay a little; I will come preſently.* This made a ſhew of buſineſs; of which he had need enough, being married, and having ſeveral children. One of the aldermen of the city was of his name; which, probably, inclined him to ſteer his courſe that way: where, having got acquaintance with the city attornies, and drinking deſperately with them, he came into full buſineſs amongſt them, and was choſen recorder of the city. That let him into knowledge at court, and he was entertained as the Duke of York's ſolicitor, and was alſo of the king's counſel. He continued recorder till the proſecution of abhorrers, and ſaved himſelf (as he took it) by compoſition for his place. Thereupon, having ſurrendered his recorderſhip, he obtained the place of chief juſtice of the

King's Bench; and, after the death of the Lord Keeper Guilford, the great ſeal; which he held till the Prince of Orange landed; and then he abſconded in diſguiſe, in order to fly beyond ſea; but, being diſcovered at Wapping, eſcaped narrowly being torn in pieces by the rabble. He was ſecured by the lord mayor, and ſent to the Tower, where he died. The incidents of his life, which I ſhall take occaſion to remember, may aptly be placed againſt his lordſhip's notes concerning him.

Began with a turbulent ſpirit againſt the mayor and court of aldermen, taking part with the commons. This method was the direct contrary to what raiſed him, and, in his following behaviour, he practiſed: for he became an high flier, for the authority of the mayor and court of aldermen. He was of a fierce, unquiet diſpoſition, and, being at firſt but low himſelf, could act only among inferiors, whom he inſtigated to be troubleſome; and, like others of ambitious tempers, or, which is nearly the ſame, neceſſitous, he put himſelf into all companies; for which he was qualified, by uſing himſelf to drink hard; and ſo made himſelf a general acquaintance, and ſome friendſhips, in the city. And, upon this courſe originally taken, he grounded his pretenſions to an intereſt in the citizens.

Began with oppoſition to the mayor and aldermen.

By court intereſt, got to be recorder of London.

Then, being acquainted with Will. Chiffinch (the truſty page of the back ſtairs) ſtruck in and was made recorder. This Mr. Chiffinch was a true ſecretary as well as page; for he had a lodging at the back ſtairs, which might have been properly termed the ſpy-office; where the king ſpoke with particular perſons, about intrigues of all kinds: and all little informers, projectors, &c. were carried to Chiffinch's lodging. He was a moſt impetuous drinker, and, in that capacity, an admirable ſpy; for he let none part from him ſober, if it were poſſible to get them drunk; and his great artifice was puſhing idolatrous healths of his good maſter, and being always in haſte; *for the king is coming;* which was his word. Nor, to make ſure work, would he ſcruple to put his maſter's ſalutiferous drops (which were called the king's, of the nature of Goddard's) into the glaſſes; and, being an Hercules, well breathed at the ſport himſelf, he commonly had the better; and ſo fiſhed out many ſecrets, and diſcovered men's characters, which the king could never have obtained the knowledge of by any other means. It is likely that Jeffries, being a pretender to main feats with the citizens, might forward himſelf, and be entertained by Will. Chiffinch, and, that, which, at firſt, was mere ſpying, turn to acquaintance, if not friendſhip, ſuch as is apt to grow up between immane drinkers;

and from thence might ſpring recommendations of him to the king, as the moſt uſeful man that could be found to ſerve his majeſty in London; where was need enough of good magiſtrates, and ſuch as would not be, as diverſe were accounted, no better than traitors.

Afterwards the duke's ſolicitor. Having once got a footing in court, and found means to hold forth great aſſurances of future ſervices at large, it is no wonder that he was taken in on that ſide of the court, that deſired ſuch men as would act without reſerve, as it was termed. While he was in this poſt, he made a great buſtle in the duke's affairs, and carried through a cauſe which was of very great conſequence to his revenue; which was for the right of the penny poſt office. It was the invention of one Docwra, who put it into complete order, and uſed it to the ſatisfaction of all London, for a conſiderable time. The Duke of York was grantee of the revenue of the poſt office; and his counſel, finding this project, of a penny poſt, turn out ſo well, and apparently improvable, upon conſulting the act, thought the duke had a right to all poſts, and, conſequently, to that. Thereupon an information, grounded on the poſt act, was exhibited againſt Docwra, and, upon a trial at the King's Bench bar he was convicted; and ever ſince, the crown hath had the benefit of the penny poſt

Then the duke's ſolicitor.

Docwra would not ſubmit himſelf, but inſiſted on his right to the laſt; otherwiſe it was thought he might have ſecured to himſelf a good office, by being commiſſioner for life, to manage that revenue. But his waywardneſs to the court would not give him leave to be ſo wiſe.

Left the place of recorder, for fear; to Treby.

Upon troubles in parliament, he would not ſtand his ground, but quitted his recorderſhip in fear, and with great entreaty. Whereupon Sir George Treby was made.

This whole affair, and all the circumſtances of it, is fully accounted for in the Examen, ſo ſhall ſay little here; only that this Sir George Treby, who ſucceeded Jeffries in the recorderſhip, was no fanatic; but, of the fanatic party, true as ſteel. His genius lay to free-thinking, and, conformably to his fellows at that time, made the ſcriptures and chriſtianity, or rather all religion, a jeſt; and ſo conſtant in his way, that no man could ſay that ever he was the firſt, and not the laſt, that left the bottle.

His ambition to the prejudice of better men. Some notes of the Chief Juſtice Jones, and the loſs of Sir Job Charleton.

He aimed at the place of chief juſtice of the Common Pleas, after the judgment, in the *quo warranto*, ſettled to the prejudice of Jones, who had ſerved in giving it; and expedient being found by room in B. R. was made ſo.

It was a cruel thing in Jeffries to preſs ſo very hard, as he did, to come over the head of Mr. Juſtice Jones, againſt whom there was no ſort

of objection; but, on the contrary, a merit in doing the king juſtice, in ſo great and conſequential a cauſe as that, againſt the city, was. And, in the end, Saunders, the chief juſtice, being diſabled by his apoplexy, Jones pronounced that judgment, and expreſſed the reaſons ſo ſhort and ſound, and, delivered with that gravity and authority, as became the court, and greatneſs of the occaſion. And one, that had a grain of conſideration of any thing but himſelf, and being of the ſame intereſt and ſentiment, would not have puſhed, with a flaming violence at court, to the injury of ſo venerable a perſon as that judge was; whoſe character I ſhould have particularly ſet forth here, if it had not been done already in the Examen. Jeffries did not gain his point of him; but matters reſted awhile, and the place of chief juſtice of the Common Pleas being void by his lordſhip's promotion to the ſeal, Jones was placed there, which was his advantage, and Jeffries took the cuſhion in the King's Bench. This was not the only inſtance of the unreaſonable ambition of Jeffries, to the prejudice of deſerving men. For he laid his eye on the place of Chief Juſtice of Cheſter, which was full of Sir Job Charleton, than whom there was not a perſon better qualified for his majeſty's favour; an old cavalier, loyal, learned, grave, and wiſe. He had a conſiderable eſtate towards Wales, and deſired to die in that

23572

employment. But Jeffries, with his intereſt on the ſide of the Duke of York, preſſed the king ſo hard that he could not ſtand it; but Sir Job Charleton muſt be a judge of the Common Pleas, and Jeffries at Cheſter in his place, being more Welſhman than himſelf. Sir Job laid this heavily upon his heart, and deſired only that he might ſpeak to the king, and receive his pleaſure from his own mouth; but was diverted, as a thing determined. But once he went to Whitehall, and placed himſelf where the king, returning from his walk in St. James's park, muſt paſs; and there he ſet him down like hermit poor. When the king came in, and ſaw him at a diſtance, ſitting where he was to paſs, concluded he intended to ſpeak with him, which he could not, by any means, bear: he therefore turned ſhort off, and went another way. Sir Job, ſeeing that, pitied his poor maſter, and never thought of troubling him more, but buckled to his buſineſs in the Common Pleas. And may Weſtminſter-Hall never know a worſe judge than he was.

A fictitious greatneſs contrived to produce a ſhew of his power in the country, and of the abuſe of charters.

Then received a ring from the king before the circuit to blow his fame as favourite, and *quo warranto*'s ſent to terrify, and the charters falling to him was luſtily cried up as a ſervice, which was all laid beforehand. What concerns this artificial fame, and the uſe that was made of it in favour of recuſants, as

alſo the conſequence of merit for procuring ſurrenders of charters, is expreſſed among the emergencies, during his lordſhip's miniſtry, in this fourth ſtage of his life. And as for the matter of charters, a buſineſs of great remark in thoſe times, and not like to be well underſtood in the future, I have endeavoured to ſtate what I know of thoſe proceedings by *quo warranto*, and procuring ſurrenders, in the Examen. I think it will appear there, that the original and chief inſtances of them were not only juſt, that is according to law, and prudent, but alſo neceſſary to the continuance of the publick peace; and alſo that this method of law ſo reaſonably begun, and juſtly purſued, after a few years, corrupted into a courſe of violence and oppreſſion; that is when men interpoſed either to court or fright harmleſs and orderly corporations to ſurrender, and, upon refuſal, plunged them into the chargeable and defenceleſs condition of going to law againſt the crown, whereby that, which would not come by fair means, was extorted by violence. This was one of the troubles of mind which his lordſhip laboured under in the latter end of King Charles's reign, as of a devil raiſed, which could not readily be laid. Nor could he reſiſt the pretenders to merit; ſince all was reckoned good ſervice at court, that gave the king any addition of power, without conſidering the defalcations, on the other ſide, from the fierce and irre-

gular means of obtaining it. And his lordſhip was not wanting to diſcountenance all ſuch practices, which made him be liſted among the trimmers, as touched elſewhere. However, there was hopes, in that reign, of bringing all to rights again. But, after the death of that good king, the flood-gates were opened, and a deluge of abuſe, upon that topic, entered, but came not up ſo high as to overwhelm all, till his lordſhip died, who, as long as he lived, was ſome obſtacle to the courſe of thoſe many inconveniences that followed. But then, among many others, this trade of charters run to exceſs, and turned to an avowed practice of garbling corporations in order to carry elections to the parliament; and a committee of council was appointed to manage the regulations, as they were called; and there was an itinerant crew of the worſt of men, that wrought in the towns, to be regulated, under direction of the committee. Theſe were termed regulators; and, according to their characters, and deſignations, mayors, aldermen, recorders, common councils and freemen, were modified and eſtabliſhed. The Lord Chief Juſtice Jeffries was capitally concerned in the firſt of theſe exorbitances, and puſhed matters, through all the degrees, into thoſe exceſſes I mentioned. At firſt it was his way of making court, but, at laſt, it was his ſhield and defence. For he and his clan, one Sir N. Butler, and (I ſhould have firſt

ſaid) the Lord Sunderland were, by theſe practices, become ſo obnoxious in the reign of King James II. that, knowing they could not ſtand the fury of any parliament, they laboured, by manifeſt provocations of the people, carried on affectedly by them, at length to come to that height, as to be able to ſhew the king that all parliaments were impracticable, and to prevail upon him to live without any at all. And, by that means, they might continue great, and be ſecure; otherwiſe, that is, if ever there was a parliament, they muſt certainly fall a ſacrifice to the fury of the commons. But theſe extremes aſperſed the whole ſubject-matter, as well what was juſt as unjuſt, reaſonable as unreaſonable, all alike ſuffered under the obloquy; and none ever concerned themſelves to diſtinguiſh more than if there had been no difference at all from the firſt to the laſt. And the very law itſelf, that is, the known legal and (ſometimes) neceſſary proceſs of *quo warranto* came well nigh to be entirely aboliſhed. For ſo men run from one extreme to another, and, as the Engliſh mode is, reform, not by reſtoring, or mending, but, by kicking down all at once whatever is abuſed, though, in itſelf, never ſo good. This is what I have thought fit to ſay here touching the ſubject of charters; which doth but very little, if at all, interfere with ſo much as is ſaid of it in the Examen.

Great at court made him great in the city, and *e contra*.

The companies, and city buſineſs make him great, being put into his hands; and then he is cried up as having the city at his devotion.
Qu. *Quid proinde?*
Qu. What then?

This conſequence is elſewhere obſerved of him. Only it is to be noted, that

he prevailed to have all the affairs, concerning the city of London, put into his hands; which made many citizens obliged to court him that were not very much really his humble ſervants: but no remedy; and he was their grandee.

Diverſe matters furiouſly and oddly driven by him.

Sir William Smith and Baily juſtices. *Inde ardor cum intemperie.* Thence he took occaſion to ſcold violently.

This is mentioned elſewhere, ſo far as I can remember of it; as alſo the ſpeaking in the council drunk, and inveighing againſt trimmers.

Poſt, accuſatio com. ſerjeant, ſine fundamento. He afterwards accuſed the common ſerjeant upon no grounds.

One Mr. Criſp was, in thoſe times, the common ſerjeant in London, an office of conſiderable account, eſpecially in the orphanage. He was an honeſt, reaſonable, gentleman, and very loyal; but, it ſeems, was not one that would go into all meaſures; therefore cauſeleſs blame was laid upon him. I do not call to mind what it was; but it did not ſucceed to his prejudice.

Poſt Roſewell, mo' in arreſt, & gaviſus de errore. Urged the proſecution of Roſewell, and laughed at the miſtake.

This Roſewell was attaint, by verdict, of high treaſon in London, and, having made his peace with the lord chief juſtice, moved by his counſel to arreſt the judgment for an error of form in the record. The lord chief juſtice could not contain himſelf, or be concealed, but openly rejoiced at the accident, and was tickled with mirth and laughing at the king's counſel. But the ſerious obſervation was that, after he had urged the proſecution of Roſewell, and a fault ſlipt, he ſhould ſo merrily diſcharge him.

Acquittal of Hays.

This was a citizen that he cauſed to be proſecuted for high treaſon; and then, at the trial, apparently helped him off with the jury: which, it may be, was not without reaſon; for evidences, at ſuch trials, ought to be above all exception. But ſince nothing new ſprung at the trial, which was not ſeen before, it was pleaſant to ſee a man hunted into the toils, and then let go. So ſuddenly may enemies become friends. Upon what terms who knows?

Motion for delivering the pupils out of jail.

This is at large declared afterwards.

Proſecution of Will. Williams.

This his lordſhip thought ill adviſed; for he was ſpeaker of the houſe of commons, and had ſigned diverſe matters, as commit-

ments, addreſſes, votes, and ſuch acts as the houſe thought fit ſhould be done; but if they were, as was ſuppoſed, criminal in their nature, as libels, falſe impriſonments, &c. no privilege, in ſtrict rigour of law, excuſeth them. But to proſecute a ſpeaker, in vacation of parliament, for what he had done by the order of the houſe of commons in the laſt ſeſſions of parliament, was by no means gracious, or like to be well taken in any ſucceeding parliament, but tended rather to irritate than reconcile; which was more for the king's ſervice. But Williams had been ſharp upon Jeffries when he was upon his knees at the bar of the houſe for abhorring; and they were both Welſhmen: therefore Williams muſt be proſecuted.

Caught by a bold action of an attorney at a trial about parliament commitments.

It may conduce ſomewhat to the underſtanding this, to relate what I clearly remember. It was the caſe of Samuel Verdon, a famous Norfolk attorney. He was ordered by the houſe of commons to be taken into cuſtody, and the warrant ſigned William Williams. The ſerjeant's men went down and took him; but he, out of an acquired obſtinacy, would conform with the meſſengers in nothing. But, in bringing him up, he would not be prevailed with either to mount or diſmount his horſe; but forced the meſſengers, at every turn, to lift him on and off; and, at the ſame time, had his clerks taking notes, in order to teſtify theſe aſſaults of his perſon; for every one of which,

he intended to bring an action of battery. It ſo fell out that, as he was upon the road, about midway between Norwich and London, the parliament was prorogued, by which the warrant ceaſed, and, after that, the cuſtody was a falſe impriſonment; and Verdon brought his action for it againſt the meſſengers, which action was tried at the Exchequer bar. The ſpeaker (William Williams) himſelf, was the front counſel for the defendants, and Jeffries for Verdon. Williams ſaid much to excuſe the men, upon account of their invincible ignorance of the prorogation. Upon that, Verdon ſteps forth, and, *My lord*, ſaid he, *if Sir William Williams will here own his hand to the warrant, I will ſtraight diſcharge theſe men.* Jeffries was ſo highly pleaſed with this gaſconade of his client, that he loved him ever after; of which Verdon felt the good effects, when his learned counſel came that circuit as chief juſtice; for although many complaints were intended againſt him, and ſuch as were thought well enough grounded, yet he came off ſcot free.

Eaſt India company. } This was the great cauſe that depended, at that time, againſt Sands for interloping: but concerned the merchants in London, who complained againſt the Eaſt India company for being a monopoly, and began almoſt to form an interloping company. But the judgment of law, being for the com-

Eſpouſed the intereſt of the Eaſt India company, againſt the interlopers.

pany, put a ſtop to it. Jeffries eſpouſed the matter with great fury; and though not much given to argue law matters, he, in giving his judgment, made a prolix argument, as the reports of the caſe, wherever they appear, will ſhew. There was ſomewhat extraordinary at the bottom. But I have no ground to ſay what.

Brought a deſperate party man, Pollexfen, into the king's buſineſs in the Weſt.

Henry Pollexfen introduced. There is no account to be given of this action of Jeffries, but that he was making friends with the anti-court party. For this Pollexfen was deep in all the deſperate deſigns againſt the crown. He was the adviſer and advocate of all thoſe who were afterwards found traitors. In a word, a thoroughſtitch enemy to the crown and monarchy in his time. A fanatic, and (in the country) frequenter of conventicles; and one, more notorious of this character, was not to be found. And yet, when Jeffries went down into the weſt, with his commiſſion of war, as well as oyer and terminer, he takes this Pollexfen into the ſervice, to be the king's counſel, in thoſe furious proſecutions. And it may be he knew him prophetically to be fit for the purpoſe; for, upon the revolution, he was made a judge, and, from a whiner for favour to criminals, he proved the vericſt butcher of a judge that hath been known. But to paſs to the chief juſtice. It ſeems here that this ſervice was to be a ſtep, upon which Jeffries intended

to lift him into the king's ſervice, as his majeſty's counſel, or ſerjeant, if not judge. Nothing could be more counter to the hectoring humour of the chief juſtice, that uſed to batter whigs, and even trimmers, without mercy, than this employing of Pollexſen.

His ſcouring the citizens of Briſtol, and the mayor himſelf, for kidnapping.

There is one branch of that chief's expedition in the weſt, which is his viſitation of the city of Briſtol, that hath ſome ſingularities, of a nature ſo ſtrange, that I think them worth my time to relate. There had been an uſage among the aldermen and juſtices of the city (where all perſons, even common ſhop-keepers, more or leſs, trade to the American plantations) to carry over criminals, who were pardoned with condition of tranſportation, and to ſell them for money. This was found to be a good trade; but, not being content to take ſuch felons as were convict at their aſſiſes and ſeſſions, which produced but a few, they found out a ſhorter way, which yielded a greater plenty of the commodity. And that was this. The mayor and juſtices, or ſome of them, uſually met at their tolſey (a court houſe by their exchequer) about noon, which was the meeting of the merchants, as at the Exchange at London; and there they ſat and did juſtice buſineſs, that was brought before them. When ſmall rogues, and pilferers, were taken and brought there, and, upon examination, put under the terror of being hanged, in order to which, mittimus's were making,

ſome of the diligent officers attending, inſtructed them to pray tranſportation, as the only way to ſave them; and, for the moſt part, they did ſo. Then, no more was done; but the next alderman in courſe took one and another, as their turns came, ſometimes quarreling whoſe the laſt was, and ſent them over and ſold them. This trade had been driven for many years, and no notice taken of it. Some of the wealthier aldermen, although they ſat in the court and connived, as Sir Robert Cann for inſtance, never had a man; but yet they were all involved in the guilt, when the charge came over them. It appears not how this outragious practice came to the knowledge of the lord chief juſtice; but, when he had hold of the end, he made thoroughſtitch work with them; for he delighted in ſuch fair opportunities to rant. He came to the city, and told ſome that *he had brought a broom to ſweep them.* The city of Briſtol is a proud body, and their head, the mayor, in the aſſiſe commiſſion, is put before the judge of aſſiſe; though, perhaps, it was not ſo in this extraordinary commiſſion of oyer and terminer. But for certain, when his lordſhip came upon the bench, and examined this matter, he found all the aldermen and juſtices concerned in this kidnapping trade, more or leſs, and the mayor himſelf as bad as any. He thereupon turns to the mayor, accoutred with his ſcarlet and furs, and gave

him all the ill names that ſcolding eloquence could ſupply; and ſo, with rating and ſtaring, as his way was, never left till he made him quit the bench, and go down to the criminal's poſt at the bar; and there he pleaded for himſelf, as a common rogue, or thief, muſt have done: and when the mayor heſitated a little, or ſlackened his pace, he bawled at him, and, ſtamping, called for his guards; for he was general by commiſſion. Thus the citizens ſaw their ſcarlet chief magiſtrate at the bar, to their infinite terror and amazement. He then took ſecurity of them to anſwer informations, and ſo left them to ponder their caſes amongſt themſelves. At London Sir Robert Cann applied, by friends, to appeaſe him, and to get from under the proſecution, and at laſt he granted it, ſaying, *Go thy way; ſin no more, leſt a worſe thing come unto thee.* The proſecutions depended till the revolution, which made an amneſty: and the fright only, which was no ſmall one, was all the puniſhment theſe juridical kidnappers underwent; and the gains acquired by ſo wicked a trade, reſted peacefully in their pockets.

Sir John Trevor. He was a countryman of the Lord Chief Juſtice Jeffries, and his favourite. It may not be amiſs to ſhew a little of him, that it may appear what ſort of men that chief brought forward. He was bred a ſort of clerk in old Arthur Trevor's chamber an

Sir John Trevor brought in, and ſoon fell to ſupplanting Jeffries.

eminent and worthy profeſſor of the law in the Inner Temple. A gentleman, that viſited Mr. Arthur Trevor, at his going out, obſerved a ſtrange-looking boy in his clerk's ſeat (for no perſon ever had a worſe ſort of ſquint than he had)and aſked who that youth was? *A kinſman of mine*, ſaid Arthur Trevor, *that I have allowed to ſit here, to learn the knaviſh part of the law.* This John Trevor grew up, and took in with the gameſters, among whom he was a great proficient: and, being well grounded in the law, proved a critick in reſolving gaming caſes, and doubts, and had the authority of a judge amongſt them; and his ſentence, for the moſt part, carried the cauſe. From this exerciſe, he was recommended by Jeffries to be of the king's counſel, and then maſter of the rolls, and, like a true gameſter, he fell to the good work of ſupplanting his patron and friend: and had certainly done it, if King James's affairs had ſtood right up much longer; for he was advanced ſo far with him, as to vilify and ſcold with him publickly in Whitehall. He was choſen ſpeaker in King James's parliament, and ſerved in the ſame poſt after the revolution. Once, upon a ſcrutiny of bribery in the houſe of commons, in favour of one Cook, a creature of Sir Joſiah Child's, who ruled the Eaſt India company, it was plainly diſcovered that the ſpeaker Trevor had 1000*l.* upon which the debate run hard upon him, and he ſat above ſix hours as

prolocutor in an aſſembly that paſt that time with calling him all to nought to his face; and, at length, he was forced, or yielded, to put the queſtion upon himſelf, as in the form, *as many, as are of opinion that Sir John Trevor is guilty of corrupt bribery by receiving, &c.* and, in declaring the ſenſe of the houſe, declared himſelf guilty. The houſe roſe, and he went his way, and came there no more. But whether the members thought that the being ſo baited in the chair was puniſhment enough, or for his taking ſuch groſs correction ſo patiently and conformably; or elſe, a matter once out of the way, was thought of no more; it is certain that he never was moleſted farther about that matter; but continued in his poſt of maſter of the rolls, equitable judge of the ſubjects, intereſts, and eſtates, to the great encouragement of prudent bribery for ever after.

About bailing of the lords. His deliberating, reſolution, and deceitfulneſs in that affair. This hath been touched elſewhere. The lords were the five in the Tower for the plot; and it ſeems that his determining upon the queſtion to bail them, helped to lift him into his place of chief of the King's Bench; but, at the touch, he failed.

Undertook to bail the lords, and failed, and ſome other odd paſſages.

Offer to come upon the Scotch affairs. This was a preſumption no Engliſh counſellor, but the premier miniſter, pretended

to; and ſhews a violent forwardneſs, as if it aimed at no leſs.

Trimming *pro* Sacheverel, *redarg. attorn.* Trimmed for the ſide of Sacheverel, and reproved the attorney general. —— Mr. Sacheverel was a fierce hero againſt the court in the houſe of commons; and, being proſecuted by the attorney general for ſome miſdemeanor, the lord chief juſtice ſided with him, and reproved the attorney general. It is only an inſtance of his taking in with the heads of the anti-court party.

Introductio Roe. Introduced Roe. This was another like inſtance: for Roe was a cloſe ſervant of Monmouth's: which comes vile near ſiding againſt his maſter and benefactor, the Duke of York.

The general character of Jeffries, and a remarkable diſcovery of him; his indifference to the juſtice of the court.

Noiſy in nature. Turbulent at firſt ſetting out. Deſerter in difficulties. Full of tricks. Helped by ſimilar friendſhips. Honeſty, law, policy, alike. This, to conclude, is the ſummary character of the Lord Chief Juſtice Jeffries, and needs no interpreter. And, ſince nothing hiſtorical is amiſs in a deſign like this, I will ſubjoin what I have perſonally noted of that man; and ſome things of indubitable report concerning him. His friendſhip and converſation lay much among the good fellows and humouriſts; and his delights were, accordingly, drinking, laugh-

ing, ſinging, kiſſing, and all the extravagance of the bottle. He had a ſet of banterers, for the moſt part, near him; as, in old time, great men kept fools to make them merry. And theſe fellows, abuſing one another and their betters, were a regale to him. And no friendſhip or dearneſs could be ſo great, in private, which he would not uſe ill, and to an extravagant degree, in publick. No one, that had any expectations from him, was ſafe from his public contempt and deriſion, which ſome of his minions, at the bar, bitterly felt. Thoſe above, or that could hurt, or benefit, him, and none elſe, might depend on fair quarter at his hands. When he was in temper, and matters indifferent came before him, he became his ſeat of juſtice better than any other I ever ſaw in his place. He took a pleaſure in mortifying fraudulent attorneys, and would deal forth his ſeverities with a ſort of majeſty. He had extraordinary natural abilities, but little acquired, beyond what practice in affairs had ſupplied. He talked fluently, and with ſpirit; and his weakneſs was that he could not reprehend without ſcolding: and in ſuch Billinſgate language, as ſhould not come out of the mouth of any man. He called it *giving a lick with the rough ſide of his tongue.* It was ordinary to hear him ſay, *Go, you are filthy, louſy, knitty raſcal;* with much more of like elegance. Scarce a day paſt that he did not chide ſome one, or other, of the bar, when

he ſat in the Chancery: and it was commonly a lecture of a quarter of an hour long. And they uſed to ſay, *This is yours; my turn will be to-morrow.* He ſeemed to lay nothing of his buſineſs to heart, nor care what he did, or left undone; and ſpent, in the Chancery court, what time he thought fit to ſpare. Many times, on days of cauſes at his houſe, the company have waited five hours in a morning, and, after eleven, he hath come out inflamed, and ſtaring like one diſtracted. And that viſage he put on when he animadverted on ſuch as he took offence at, which made him a terror to real offenders; whom alſo he terrified, with his face and voice, as if the thunder of the day of judgment broke over their heads: and nothing ever made men tremble like his vocal inflictions. He lóved to inſult, and was bold without check; but that only when his place was uppermoſt. To give an inſtance. A city attorney was petitioned againſt for ſome abuſe; and affidavit was made that, when he was told of my lord chancellor, *My lord chancellor*, ſaid he, *I made him*; meaning his being a means to bring him early into city buſineſs. When this affidavit was read, *Well*, ſaid the lord chancellor, *then I will lay my maker by the heels*. And, with that conceit, one of his beſt old friends went to jail. One of theſe intemperances was fatal to him. There was a ſcrivener of Wapping brought to hearing for relief againſt a bummery bond; the

contingency of loſing all being ſhewed, the bill was going to be diſmiſſed. But one of the plaintiff's counſel ſaid that he was a ſtrange fellow, and ſometimes went to church, ſometimes to conventicles; and none could tell what to make of him; and *it was thought he was a trimmer.* At that the chancellor fired; and *A trimmer!* ſaid he; *I have heard much of that monſter, but never ſaw one. Come forth, Mr. Trimmer, turn you round, and let us ſee your ſhape:* and, at that rate, talked ſo long that the poor fellow was ready to drop under him; but, at laſt, the bill was diſmiſſed with coſts, and he went his way. In the hall, one of his friends aſked him how he came off? *Came off*, ſaid he, *I am eſcaped from the terrors of that man's face, which I would ſcarce undergo again to ſave my life; and I ſhall certainly have the frightful impreſſion of it as long as I live.* Afterwards, when the Prince of Orange came, and all was in confuſion, this lord chancellor, being very obnoxious, diſguiſed himſelf in order to go beyond ſea. He was in a ſeaman's garb, and drinking a pot in a cellar. This ſcrivener came into the cellar after ſome of his clients; and his eye caught that face, which made him ſtart; and the chancellor, ſeeing himſelf eyed, feigned a cough, and turned to the wall with his pot in his hand. But Mr. Trimmer went out, and gave notice that he was there; whereupon the mob flowed in, and he was in extreme hazard of his life;

but the lord mayor ſaved him, and loſt himſelf. For the chancellor being hurried with ſuch croud and noiſe before him, and appearing ſo diſmally, not only diſguiſed but, diſordered; and there having been an amity betwixt them, as alſo a veneration on the lord mayor's part, he had not ſpirits to ſuſtain the ſhock, but fell down in a ſwoon; and, in not many hours after, died. But this Lord Jeffries came to the ſeal without any concern at the weight of duty incumbent upon him; for, at the firſt, being merry over a bottle with ſome of his old friends, one of them told him that he would find the buſineſs heavy. *No*, ſaid he, *I'll make it light.* But, to conclude with a ſtrange inconſiſtency, he would drink, and be merry, kiſs and ſlaver, with theſe bon companions over night, as the way of ſuch is, and, the next day, fall upon them, ranting and ſcolding with a virulence unſufferable.

Digreſſion to ſhew the government had reaſon, at this time, to be careful what judges were truſted.

Some time before his lordſhip was preferred to the great ſeal, the Lord Chief Juſtice Pemberton was removed, and was ſucceeded by Sir Edmund Saunders. Both of whom being eminent in the profeſſion of the law, and cotemporaries of his lordſhip, I ſhall take this opportunity of ſaying ſomething of their characters: but, before I proceed ſo far, it will be proper to ſolve a queſtion much toſſed about in thoſe days. And that was whether the court was not to blame, for appointing men to places of judgment, when

great matters of law, and of mighty conſequence, depended to be heard and determined, whoſe opinions were known beforehand; of which it is eaſy to ſay (as the anti-court party did) that judges were made to ſerve turns. This queſtion turns upon the ſuppoſed integrity of the government. They are, as all governments muſt be, entruſted with power; which power may be uſed to good or ill purpoſe. If it be to ill, it is no objection to the reaſonableneſs of the power, becauſe power muſt be. Here a government is beſet with enemies, ever watching for opportunities to deſtroy it; and, having a power to chooſe whom to truſt, the taking up men, whoſe principles are not known, is more than an even chance that enemies are taken into their boſom. Here the government firſt conſulted of the juſtice by law againſt the city's charter, and found, by clear advice, that it was forfeited, and ought to be accordingly condemned; and, upon the event, vaſt importances hung; even the peace of the nation. Would any government in the world, truſt that juſtice to the arbitrament of enemies, or run the hazard of having ſuch? Or, were it a doubt of opinion only, would they not be ſure of men to judge, whoſe underſtandings and principles were foreknown? What is the uſe of power, but to ſecure juſtice? It may, it's true, protect the contrary; and ſo men may kill one another; as they ſay that every

ſingle man hath the power of life and death. But that is not an exception againſt the juſt uſe of a power, or that men may not carry knives in their pockets. But it is to be obſerved that theſe kind of objections are commonly wheedles; and, if governours hearken to them, they are probably loſt; and thoſe, who are the objectors, laugh in their ſleeves, and, in their turn, outdo, many bars, all that themſelves found fault with. The true diſtinction is, when governments uſe powers that do not belong to them (as high courts of juſtice); and when they uſe only ſuch powers as are properly lawful, as the ordinary courts of the common law. It is a maxim of law that *fraud is not to be aſſigned in lawful acts.* If governments ſecure their peace by doing only what is lawful to be done, all is right. If they ſuffer encroachments, and, at length, diſſolution, for want of uſing ſuch powers, what will it be called but ſtupidity and folly? But to proceed to what I intended.

Lord Chief Juſtice Pemberton, his beginnings bad, and authority abuſed.

The Lord Chief *Juſtice Pemberton was* a better practiſer than a *judge; for, being* made chief juſtice of *the King's Bench, he* had a towering opinion *of his own ſenſe and* wiſdom, and rather made, than declared, law. I have heard his lordſhip ſay that, *in making law, he had outdone king, lords, and commons.* This may ſeem ſtrange to ſuch as ſee not the behaviour of judges, and do not conſider the propenſity of almoſt all to ap-

pear wiſer than thoſe that went before them. Therefore it is the moſt impartial character of a judge to defer to elderſhip, or antiquity. But to proceed: this man's morals were very indifferent; for his beginnings were debauched, and his ſtudy and firſt practice in the goal. For, having been one of the fierceſt town rakes, and ſpent more than he had of his own, his caſe forced him upon that expedient for a lodging: and there he made ſo good uſe of his leiſure, and buſied himſelf with the caſes of his fellow collegiates, whom he informed and adviſed ſo ſkilfully, that he was reputed the moſt notable fellow within thoſe walls; and, at length, he came out a ſharper at the law. After that, he proceeded to ſtudy and practice, till he was eminent, and made a ſerjeant. After he was chief juſtice of the King's Bench, he proved, as I ſaid, a great ruler, and nothing muſt ſtand in the way of his authority. I find a few things noted of him by his lordſhip.

Caſe of Lady Ivye, where adviſed that there was ſubornation, for which Johnſon was ruined, and heart broke. The lady proſecuted Johnſon for this ſubornation, by information in the King's Bench, and the cauſe was tried before Pemberton. It appeared that Johnſon had no concern, or words, but by way of advice to his client; but he was borne down and convict; at which the fellow took

Mortified an attorney to death.

deſpair and died. It was thought his meaſure was very hard and cruel; and that ſome mighty point of intereſt, in her ladyſhip's law-ſuits, depended upon this man's ſuffering.

Concerned in a fraudulent conveyance for Sir William Doyly.

Doyly's ſettlement a cheat, for want of words uſual Q. by whoſe contrivance. But he adviſed. This fraudulent conveyance was managed between Sir Robert Baldock and Pemberton. It is certain it was paſſed by Pemberton, who was the counſel chiefly relied on; but not ſo certain it was his contrivance; for Baldock had wit and will enough to do it. The device was to make two jointures, as of the manors of A and B, complete, and without words of reference of the one to the other, as *in part, &c.* or *together with——in full*, whereby the one called upon the other. The uſe made of this trick was mortgaging both theſe eſtates as free, but, in truth, encumbered with the jointure and ſettlement. For, upon the profer of A to be mortgaged, and the counſel demanding a ſight of the marriage ſettlement, that of B was ſhewed. Then, upon the profer of B, the ſettlement of A was ſhewed; and ſo the cheat paſſed of both.

Removed before the judgment againſt London upon the *quo warranto*.

This chief juſtice ſat in the King's Bench till near the time that the great cauſe of the *quo warranto* againſt the city of London was to be brought to judgment in that court; and then his majeſty thought fit to remove him. And the truth is it was not thought

any way reaſonable to truſt that cauſe, on which the peace of the government ſo much depended, in a court where the chief never ſhewed ſo much regard to the law as to his will; and notorious as he was for little honeſty, boldneſs, cunning, and incontroulable opinion of himſelf. After this removal, he returned to his practice, and by that (as it ſeems the rule is) he loſt his ſtyle of lordſhip, and became bare Mr. Serjeant again. His buſineſs lay chiefly in the Common Pleas, where his lordſhip preſided: and however ſome of his brethren were apt to inſult him; his lordſhip was always careful to repreſs ſuch indecencies; and, not only protected but, uſed him with much humanity. For nothing is ſo ſure a ſign of a bad breed as inſulting over the depreſſed.

The Lord Chief Juſtice Saunders ſucceeded in the room of Pemberton. His character, and his beginning, were equally ſtrange. He was at firſt no better than a poor beggar boy, if not a pariſh foundling, without known parents, or relations. He had found a way to live by obſequioſneſs (in Clement's-Inn, as I remember) and courting the attornies clerks for ſcraps. The extraordinary obſervance and diligence of the boy, made the ſociety willing to do him good. He appeared very ambitious to learn to write; and one of the attornies got a board knocked up at a window on the top of a ſtaircaſe; and that was his deſk, where he ſat and wrote

The Lord Chief Juſtice Saunders of wonderful beginning, and extravagant character.

after copies of court and other hands the clerks gave him. He made himſelf ſo expert a writer that he took in buſineſs, and earned ſome pence by hackney-writing. And thus, by degrees, he puſhed his faculties, and fell to forms, and, by books that were lent him, became an exquiſite entering clerk; and, by the ſame courſe of improvement of himſelf, an able counſel, firſt in ſpecial pleading, then, at large. And, after he was called to the bar, had practice, in the King's Bench court, equal with any there. As to his perſon, he was very corpulent and beaſtly; a mere lump of morbid fleſh. He uſed to ſay, *by his troggs*, (ſuch an humorous way of talking he affected) *none could ſay he wanted iſſue of his body, for he had nine in his back.* He was a fetid maſs, that offended his neighbours at the bar in the ſharpeſt degree. Thoſe, whoſe ill fortune it was to ſtand near him, were confeſſors, and, in ſummer-time, almoſt martyrs. This hateful decay of his carcaſe came upon him by continual ſottiſhneſs; for, to ſay nothing of brandy, he was ſeldom without a pot of ale at his noſe, or near him. That exerciſe was all he uſed; the reſt of his life was ſitting at his deſk, or piping at home; and that *home* was a taylor's houſe in Butcher-Row, called his lodging, and the man's wife was his nurſe, or worſe; but, by virtue of his money, of which he made little account, though he got a great deal, he ſoon became maſter of

the family; and, being no changling, he never removed, but was true to his friends, and they to him, to the laſt hour of his life.

So much for his perſon and education. As for his parts, none had them more lively than he. Wit and repartee, in an affected ruſticity, were natural to him. He was ever ready, and never at a loſs; and none came ſo near as he to be a match for Serjeant Mainard. His great dexterity was in the art of ſpecial pleading, and he would lay ſnares that often caught his ſuperiors who were not aware of his traps. And he was ſo fond of ſucceſs for his clients that, rather than fail, he would ſet the court hard with a trick; for which he met ſometimes with a reprimand, which he would wittily ward off, ſo that no one was much offended with him. But Hales could not bear his irregularity of life; and for that, and ſuſpicion of his tricks, uſe to bear hard upon him in the court. But no ill uſage from the bench was too hard for his hold of buſineſs, being ſuch as ſcarce any could do but himſelf. With all this, he had a goodneſs of nature and diſpoſition in ſo great a degree that he may be deſervedly ſtyled a *philanthrope*. He was a very *Silenus* to the boys, as, in this place, I may term the ſtudents of the law, to make them merry whenever they had a mind to it. He had nothing of rigid or auſtere in him. If any, near him at the bar, grumbled

His great parts, law, and goodneſs of nature as well as honeſty.

at his ſtench, he ever converted the complaint into content and laughing with the abundance of his wit. As to his ordinary dealing, he was as honeſt as the driven ſnow was white; and why not, having no regard for money, or deſire to be rich? And, for good nature and condeſcenſion, there was not his fellow. I have ſeen him, for hours and half hours together, before the court ſat, ſtand at the bar, with an audience of ſtudents over againſt him, putting of caſes, and debating ſo as ſuited their capacities, and encouraged their induſtry. And ſo in the Temple, he ſeldom moved without a parcel of youths hanging about him, and he merry and jeſting with them.

Taken into the king's buſineſs, then Ch. Juſt. of the King's Bench, and went off in an apoplexy and pally.

It will be readily conceived that this man was never cut out to be a preſbyter, or any thing that is ſevere and crabbed. In no time did he lean to faction, but did his buſineſs without offence to any. He put off officious talk of government or politicks, with jeſts, and ſo made his wit a catholicon, or ſhield, to cover all his weak places and infirmities. When the court fell into a ſteady courſe of uſing the law againſt all kinds of offenders, this man was taken into the king's buſineſs; and had the part of drawing, and peruſal of almoſt all indictments and informations that were then to be proſecuted, with the pleadings thereon if any were ſpecial; and he had the ſettling of the large pleadings in the *quo warranto* againſt

London. His lordſhip had no ſort of converſation with him, but in the way of buſineſs, and at the bar; but once, after he was in the king's buſineſs, he dined with his lordſhip, and no more. And there he ſhewed another qualification he had acquired, and that was to play jigs upon an harpſichord; having taught himſelf with the opportunity of an old virginal of his landlady's; but in ſuch a manner, not for defect but figure, as to ſee him were a jeſt. The king, obſerving him to be of a free diſpoſition, loyal, friendly, and without greedineſs or guile, thought of him to be the chief juſtice of the King's Bench at that nice time. And the miniſtry could not but approve of it. So great a weight was then at ſtake, as could not be truſted to men of doubtful principles, or ſuch as any thing might tempt to deſert them. While he ſat in the court of King's Bench, he gave the rule to the general ſatisfaction of the lawyers. But his courſe of life was ſo different from what it had been, his buſineſs inceſſant, and, withal, crabbed; and his diet and exerciſe changed, that the conſtitution of his body, or head rather, could not ſuſtain it, and he fell into an apoplexy and palſy, which numbed his parts; and he never recovered the ſtrength of them. He out-lived the judgment in the *quo warranto;* but was not preſent otherwiſe than by ſending his opinion, by one of the judges, to be for the king, who, at the pronouncing

of the judgment, declared it to the court accordingly, which is frequently done in like caſes.

His lordſhip decreed an eminent lawyer to pay his 2000l. to the Duke of Bucks.

But, to return to his lordſhip. I may ſtate another caſe, in which it appeared his lordſhip's conſideration of juſtice ſurmounted his will, which was always inclined to be good to thoſe of his profeſſion, eſpecially if he had a real value and eſteem for them. The Duke of Bucks was diſpoſed to ſell an eſtate in Leiceſterſhire. It was while my Lord Nottingham had the great ſeal. His ſon Heneage, a celebrated orator in chancery practice, had formerly bought of the duke an eſtate at Aldborough in Suſſex: and not a few ſuits depended in court between his grace and his creditors and truſtees, in which the contention ran high. Mr. Ambroſe Philips, an eminent practiſer in the court, ſought to buy the Leiceſterſhire eſtate of the Duke of Bucks, and contrived to uſe the name of Mr. Heneage Finch in the treaty. On the other ſide, it was told the Duke that, if he let Mr. Finch have the purchaſe at an eaſy rate, it would be taken as a reſpect, and turn to account in his cauſes. So the matter went on, and the purchaſe, by payment and ſealing, finiſhed. Then the Duke found out that he had been impoſed on, and that Philips, and not Finch, was the real purchaſer; which if he had known before, he would not have taken under 2000*l.* more than the price he had

received. He was ſo unſatisfied, that he brought a bill againſt Philips to be relieved as to this 2000*l.* and, by circumſtances in the cauſe, it was plain to his lordſhip that the Duke's price took in that 2000*l.* but that, for Mr. Finch's ſake (or rather his father's) he had bated it; and alſo that it was ſo pretended to him only to make him bate that ſum; ſo that his lordſhip decreed Philips to pay that ſum, over and above his purchaſe money; which 2000*l.* he had got off by a wily falſe pretence of Mr. Finch's being the purchaſer.

I ſhall not ſelect any more of his cauſes, here. Theſe were ſuch as none ever traduced; and they may be collated with ſome others that have been ſo uſed, to be found in fit place; where it will appear that intereſt and faction will attack the beſt, as well as worſt, actions of a magiſtrate: for ſlander is an accuſer, and not a defender, and makes the worſt conſtruction, even of the worthieſt proceedings; and, when ſtrictly juſt, allows none at all to be, as they ought to be, eſteemed good. But I muſt not forget to mention one ſerious deliberation, his lordſhip had with himſelf, touching the places of maſters in chancery; whether he ſhould ſell them for a price, or give them freely. And once he was inclined, and almoſt reſolved to give them, being of opinion that the court had not ſo much power to coerce exorbitances, or to controul their profits, when they

Concluſion as to matters of chancery. And his lordſhip's thoughts of not ſelling the places of maſters in chancery.

bought their places, as if they were conferred gratis: for, upon the leaſt rumour of a reform, they cry out *purchaſe, valuable conſideration, &c.* Otherwiſe, there might be a power, for the good of the ſuitors, and advancement of juſtice, to curtail even their accuſtomed profits. But, upon mature conſideration of the matter, it did not appear certain to his lordſhip, that pure gift would entitle him to that arbitration over them as he deſired, and thought to uſe; but, as ſoon as they were touched, they, and all their tribe of relations, friends, and intereſts, nay, other officers, with theirs alſo, would raiſe as hideous a clamour, and be as troubleſome to his lordſhip, as if he had beſtowed them free. And then he could not hope to return the whole twelve, while he ſat there, whereby to lay all under an equal circumſtance: And it was a regulation that could not be made but by publick authority, which might controul all alike; and he had no reaſon to quit a certain advantage to himſelf, upon a very doubtful proſpect to do any good thereby. And he alſo reflected how indifferently ſuch a generous act would be accepted by the publick. It would have been termed either vanity, or folly; and, perhaps, both: and all the ſkilful had reputed no better of him; and ſo, inſtead of having the action approved, he had been rendered contemptible for it, as one that did not underſtand his own advantages. If ſelling ſuch places was inconve-

nient, conſtant uſage, that eſtabliſhed it, muſt anſwer. A thankleſs good will is a weak virtue, and apt to yield to intereſt. So his lordſhip gave way to follow the ſteps of his predeceſſors, and diſpoſed thoſe places for a price, as they had done before him; but withal, to be ſatisfied of the character and fitneſs of the perſon preſented to him.

The ſtate and original of the cabinet council.

We here take leave of the high court of Chancery (a groſs cargo upon the ſhoulders of the lord keeper) having little or nothing more to ſay of that grand judicial province, and repair to the ſtate court, where the king was left in full honour and tranquillity. His lordſhip deſigned to have left behind him the tranſactions of the court, during his miniſtry as lord keeper, compiled by himſelf. I have heard him commend the paſſage of Tacitus in his hiſtory, to begin with the characters of perſons active in publick affairs, and then the ſtate of the empire. And he had gone ſo far towards it, as to note down ſome names of perſons conſiderable at court, whom he intended to characteriſe and decypher; with abundance of items and paſſages: but he had no time, nor life, to bring any ſuch deſign to perfection. He begins with the ſtate of the cabinet council, that conſiſted of thoſe few great officers, and courtiers, whom the king relied upon for the interior diſpatch of his affairs. And as offices of the law, out of clerkſhips, ſpawn other offices, ſo this council was derived

from the privy council, which, originally, was the ſame thing, and derived out of the *magnum concilium*, by that name, mentioned in the rolls of parliament; and the ſame, out of parliament, authoriſed by King Henry VII. was known by the place where it ſat, viz. the Star-chamber. Aſſemblies, at firſt, reaſonably conſtituted of a due number and temper for diſpatch of affairs committed to them, by improvident encreaſe, came to be formal and troubleſome, the certain conſequence of multitude, and thereby a new inſtitution becomes neceſſary: whereupon it is found eaſier and ſafer to ſubſtitute than to diſſolve. Thus the cabinet council, which, at firſt, was but in the nature of a private converſation, came to be a formal council, and had the direction of moſt tranſactions, of the government, foreign and domeſtick. The Spaniards have peculiar councils, called juntos, aſſigned to each great branch of the royal power, which prevents ſuch ſub-emergent councils as theſe.

His lordſhip's notes; and firſt concerning Edward Seymour.

His lordſhip's firſt note is, "Seymour lately withdrawn."

This Mr. Seymour was eldeſt ſon of Sir Edward Seymour of Devonſhire, one of the knights of the bath. From being a wild ſpark about town, he came early into the court, and was of that gang that routed the Lord Chancellor Hyde. His entrance

was through the parliament; for, being buoyed upon the Weſtern alliance, he was conſiderable in the houſe of commons. He ſerved, as ſpeaker there, diverſe years, and, as ſuch, was called to the privy council. He was ambitious and proud in the higheſt degree; and was ſuppoſed to decline no means that tended to his advancement. When he was of the privy council, he ſcorned to ſpeak at the lower end, where his place was, but commonly walked up nearer the king, and, ſtanding behind the chairs of the chancellor, or other great lords, ſpoke to the king. And, as his nature, ſo his ſpeeches were often arrogant and diſreſpectful. Once, at the council, he ſaid to the king, *Sir, how long will your majeſty prevaricate with yourſelf?* The king, muttering, repeated the word *prevaricate* diverſe times, but made no reply. This, probably, joined with other like tempered ſpeeches, loſt him the king's favour. It is very imprudent to give offence to great men; and no honeſt meaning will ſet it right: for it looſens the perſonal intereſt of the adviſer, and, conſequently, the efficacy of the advice. It is ſaid that Æſop reproached Solon for his unſavoury anſwer to Crœſus; for, ſaid he, *What did you come for, if you did not intend to pleaſe the man?* His lordſhip was very ſorry that Seymour was gone; becauſe his aſſuming temper might have allayed the overweening forwardneſs of ſome others of the

great men; and he thought him to be a man of honour, and cordial to the true Engliſh intereſt.

The poſture of the cabinet, and characters of the counſellors.

His lordſhip's ſtate of the cabinet was wrote thus:

"Poſture of the cabinet,
"Earl of Radnor, lord preſident.
"Marquis of Halliſax, lord privy ſeal.
"Lord Conway, } ſecretaries.
"Secretary Jenkins, }
"Lord Rocheſter of the treaſury.
"Duke of Ormond.
"Sidney Godolphin."

This poſture of the cabinet pleaſed his lordſhip well enough; and it is plainly that which ſtood when he entered, becauſe no notice is taken of the Earl of Nottingham, lord chancellor. The Earl of Radnor, formerly Lord Roberts of Cornwall, was a good old Engliſh lord, who was a malecontent when that, called the cabal, reigned under the influences of Clifford and Shaftſbury. But, upon the riſing of the contrary (or, rather, fanatick) party, that apparently diſtreſſed the king, and thereby forced him upon meaſures of ſafety, which were alſo the true intereſt of his government, the Lord Roberts came in, and, notwithſtanding his uncontroulable teſtineſs, and perverſe humours, did the king very good ſervice. The Marquis, formerly Sir Henry Savile of

the North, was a perſon of incomparable wit, formerly a malecontent alſo, but came in to reſcue the crown, and continued firm all King Charles the Second's reign; but then, and afterwards, he openly oppugned popery, and particularly in the reign of King James II. For when the point, of taking away the teſt and penal laws was urged, with pretence of an equivalent, he wrote a ſmall tract called, *The Anatomy of an Equivalent.* Of the ſecretaries, the Lord Conway was rather a perſon of great intereſt, fortune, and pleaſure; than cut out for application to much buſineſs. But Sir Leoline Jenkins was the moſt faithful drudge of a ſecretary, that ever the court had. He was a civil lawyer, bred and practiſed; and, from the top of that profeſſion, was taken into the court. For he was dean of the arches, judge of the admiralty for diverſe years, and withal (as the way of that faculty, is) practiſed as advocate in all courts where he was not judge. He was alſo his majeſty's advocate general. This good man was embaſſador, and went through the treaty of Nimeguen, and, coming home, was made ſecretary. His learning, and dexterity in buſineſs, was great; but his fidelity ſurmounted all; for which reaſon he was maligned, by the fanaticks, in the higheſt degree, even to perſecute his name and fortunes after he was dead; as is ſhewed in the Examen. His lordſhip contracted an

intimacy with this gentleman, which I might call friendſhip; but the character is too general; and their union was purely reſpecting the king's affairs, in which they laboured with an exemplary accord. The Lord Rocheſter, formerly Lawrence Hyde, one of the younger ſons of the Earl of Clarendon, was a perſon adroit in all matters of wit and buſineſs, being obſerved to be always early, plodding at the ſcrutiny of accounts and eſtimates, before the other lords came. His infirmities were paſſion, in which he would ſwear like a cutter, and the indulging himſelf in wine. But his party was that of the church of England, of whom he had the honour, for many years, to be accounted the head. For all men, that aim to become great, eſpouſe a party, and, if poſſible, get to be truſted as the head of it, for, then, they have ſomewhat wherewith to terrify, and, on the other ſide, for their own intereſt, to ſell, or betray. The Duke of Ormond was a nobleman of rigorous honour, and who, next the crown, had the chief authority in Ireland. He was an old cavalier, and inexpugnable loyaliſt. Mr. Godolphin was a courtier at large, bred a page of honour; he had, by his ſtudy and diligence, maſtered, not only all the claſſical learning but, all the arts, and entertainments of the court; and, being naturally dark, and reſerved, he became an adept in court politicks. But his talent of unravelling intricate matters, and

expoſing them to an eaſy view, was incomparable. He was an expert gameſter, and capable of all buſineſs in which a courtier might be employed. All which, joined with a felicity of wit, and the communicative part of buſineſs, made him be always accounted, as he really was, a riſing man at court.

His lordſhip's next note ſtands thus, "Alterations,

"Lord Sunderland introduced, and made "ſecretary in the room of the Lord Con-"way."

Lord Sunderland and his behaviour, between whom and his lordſhip there was a natural antipathy.

This change was very myſterious at that time; but the ſequel hath demonſtrated that the Duke of York brought it about; for the Lord Sunderland had engaged in all his meaſures, and wrought accordingly, till he had his own deſign accompliſhed in the ruin of his maſter. He had been ſecretary before, and came in when the Lord Shaftſbury was made lord preſident of the council, and then was looked upon as an omen of a falling court: ſo early was he underſtood. It is well remembered, that, when the factious ſide of that council, and no leſs the houſe of commons, were intent upon turning out the king's friends, and placing the oppoſites in their room, and diverſe heaves were made at the Duke of Lauderdale, and the Lord Keeper North, and the commiſſions of the peace and lieutenancy were

to be reformed, there was not a little oppoſition made; and the king was careful, by not yielding to theſe men, to ſave himſelf. The ſpeech of this noble lord at the council, in his drawling way, is related in the Examen, and will ſerve to illuſtrate the politicks of that peer. The king could not, at that time, bear with him long, but turned him out; and ſo the council was purged; for the reſt of the party were diſbanded, or left out, or deſerted about the ſame time. All this was leſs ſtrange than his coming in again. We thought that the Duke of York had not intereſt enough to have done it without the adjunct of the French ladies, whoſe favour, with money and courtſhip, he failed not to purchaſe. It is certain that he was a moſt faſtidious averſion to the Lord Keeper North. They ſay that animals, out of a contrariety of their natures, have a mutual antipathy, and can ſcarce bear the ſight of each other. I know well that his lordſhip ſcarce ever ſaw, or ſpoke of him, without a chagrin; and, after he was reſtored to the ſecretary's office, and place in the cabinet, his lordſhip declared he had no hopes of any good at court. Nor was this noble lord behind-hand with his lordſhip, in his kind thoughts towards him; which, ſprouting out in ſpeeches and actions, were as venemous as the deadly nightſhade; but, for want of apt concurrents, as to all harm to his lordſhip, or his reputation,

vain and enervous. He laid a plot to faſten a whore upon his lordſhip, that he might loſe the reputation he had of moral virtue untainted. That he rode upon a rhinoceros; that he might be deſpiſed; and other ſtratagems as filly, of which a particular account will be given elſewhere: and all this without the leaſt offence, by word, or action, on his lordſhip's part to diſguſt him. But the canker was his lordſhip's unmoved conſtancy and fidelity to the church and monarchy ſettled by law, both which his lordſhip (the Earl) wrought to overturn: and he could not bear ſuch an obſtacle in his way, without attempting to remove it. However, ſuch enmities, at court, have the effect of friendſhips elſewhere: for a man is known by his avoiding, as well as by his herding, with particular people. I muſt not forget to add here, that his lordſhip, by his external behaviour, with reſpect to this ſtate ſecretary, made no reſentments for his clandeſtine injury, but kept that even temper with him as the king's affairs required he ſhould do. His lordſhip had a brother-in-law, who, being a courtier, and of a lofty genius, habituated in the gaming ſociety of that lord, and was ſo far impoſed on as to mediate a nearer converſation with him; and it went ſo far, that his lordſhip yielded to a project of an invitation by dining with the ſecretary; and I had the honour to be there: but I muſt ſay, that I never ſaw ſo ſilent a feaſt as

that was. There was little to be amended, for little was ſaid on either ſide. We came away; and his lordſhip choſe to be ſo far rude as not to croſs invite, rather than bear the like conſequences of ſuch another intercourſe of his own deſigning.

The next note runs thus, "Spring 1684. "Secretary Jenkins quits to Sidney Godol-"phin."

The worth of Sir Leoline Jenkins, and the change much for the worſe.

The loſs of this ſecretary was a great mortification to his lordſhip. I have often heard him ſay, upon that occaſion, that he was abſolutely alone in the court; and that no one perſon was left in it, with whom he could ſafely conſer in the affairs of the public. While the ſecretary ſtood, and the Lord Haliſax, and the Lord Hyde, who had ſpirits, and were hearty, they often met at the ſecretary's in evenings, to conſider of ſuch dependances as were to come before the king the next day. The benefit of which was very conſiderable to the king's affairs, as well as to themſelves; for ſo the matters were better underſtood than if no previous deliberation had been taken; and they were not unprepared to ſpeak to them in terms proper for his majeſty to entertain without miſtakes, or claſhing one with another; as happens, ſometimes, about mere words, when the thing is agreed. But, after this change, they all began to look gravely upon one another, and to talk only of indif-

ferent things. This ſecretary was not turned out, but quitted for conſideration, as the note implies. He was a perſon that, together with incomparable veracity, fidelity, induſtry, and courage, had ſome perſonal failings; for, being uſed to forms, he was a little pedantic, and of a tender viſage; for being inclined to laugh immoderately at a jeſt, eſpecially if it were ſmutty, the king found him out, and failed not, after the tendency of his own fancy, to ply his ſecretary with conceits of that complection; and ſo had the diverſion of laughing at the impotence of the other's gravity. It is not amiſs to ſubjoin here an hiſtoriette to ſhew the value of this miniſter. In the Weſtminſter parliament, the houſe of commons was very averſe to the court, and, from a party very prevalent there, the loyaliſts fell under great diſcouragements. Amongſt the reſt, this good ſecretary was found fault with for ſomething relevant he had uttered on the court ſide. Diverſe members, from the humility of his manner in ſpeaking, ſuppoſed him to be a mild yielding man, and, to expoſe him, conſulted about cenſuring his words, and ordering him to the bar, and to aſk pardon upon his knees. And if this experiment had been puſhed, and he had ſqueaked, as they call it, that is recanted, and whined for an excuſe, then he had been loſt in every reſpect; for a ſneaking man is deſpiſed and rejected on all ſides. But

for fear this, in the execution, might have an unlucky return upon them, they reſolved firſt to ſound him; for a ſecretary of ſtate is no ſlight perſon to ſend to the Tower, as muſt have been done of courſe, if he had ſtood firm. Thereupon, ſome half-faced friends told him that he would be accuſed, and muſt kneel. He anſwered them, in his formal way, *that he was a poor creature, not worth the reſentment of the houſe: he ſhould be always ſubmiſſive to ſuch great men as they were, in every thing that concerned himſelf. But, as he had the honour to be his majeſty's ſecretary of ſtate, the caſe was not his, but his maſter's, and, by the grace of the living God, he would kneel to, and aſk pardon of, no mortal upon earth, but the king he ſerved, and to him only would he give an account of any thing done with intent to ſerve him.* This ſhewed that the buſineſs was like to be too hot for that time, and the deſign of it like to fail; and ſo it was let drop. But the ſecretary was met with at Oxford, when he was ordered to carry up the impeachment againſt Fitzharris; and, after all his huffing and ſtriving, he found it beſt to do it. But, to return, it was notorious that, after this ſecretary retired, the king's affairs went backwards; wheels within wheels took place; the miniſters turned formaliſers, and the court myſterious. And no wonder when the two then ſecretaries, profeſſed gameſters and court-artiſts, ſupplied the more retired cabals, and, being

habituated in artifice, eſteemed the honeſt plain dealers, under whoſe miniſtry the king's affairs were ſo well recovered, to be no better than beaſts of burthen. And the next note ſhews the reſult of this mercurial courtſhip.

" Upon diſcovery of the conſpiracy D. Y."

The ſubject of theſe notes being the cabinet, it is here plain that an handle was taken from that diſcovery, to let in the Duke of York. The common obloquy, upon the court, had all along been that the duke, and, conſequently, the papiſts, had influence upon the publick counſels: and not long before this time, ſuch a ſtep, as this was, would have been loudly ventilated abroad, as a plain declaration that popery was to govern, with deſign to have ruined the king's intereſt and credit with the gentlemen of England. But now faction was low, though not dead; and the new courtiers thought any thing might be done. And in truth, though little appeared to them, yet, to ſuch as converſed more promiſcuouſly, it was plain that faction warmed upon it. But this was to be ſaid for it. The Rye conſpiracy was aimed as well at the perſon of the duke, as of the king; for one doſe of pills ſerved for both: and it was very reaſonable that the duke ſhould be preſent at the ſhaving his own beard. This did a little ſcreen the truth of the matter;

The Duke of York came into the cabinet by colour of the Rye plot.

which was that the Papiſts, through the duke, intended, under the umbrage of this conſpiracy, to make ſome advances at court; but the ſequel will ſhew more.

Of the Lord Chief Juſtice Jeffries, and his ſuppoſitious greatneſs.

"After, nothern circuit 1685, Lord Chief Juſtice Jeffries appointed for it."

This note concludes his lordſhip's ſtate of the cabinet, and the ſeveral poſtures it had, in the reign of King Charles II. after his lordſhip had the ſeals. And now, from this broad hint, I take the riſe of a notable piece of hiſtory. After the Lord Chief Juſtice Jeffries (of whom I have ſaid ſomewhat before) was aſſumed into the king's privy council, which was ſome time before he came into the cabinet, there went forth a mighty fame of his greatneſs at court; which was moſtly artificial, although ſuch incidents commonly blow up reports far beyond truth. When this chief juſtice had choſen the northern circuit for his expedition, it was ſo contrived that, on a Sunday morning, when the court was full, the king ſhould take notice of his good ſervices, and, in token of his majeſty's gracious acceptance of them, give him a ring from his royal finger. This was certainly ſo done, by way of engine, to rear up a mighty machine of authority; and the printed news informed the whole nation of it. Whereupon the ſame lord chief juſtice was commonly reputed a favourite and next door to premier miniſter; ſure enough to eclipſe any thing of the law that ſtood near him. It is to be

remembered that, at this time, the trade of procuring charters to be ſurrendered was grown into a great abuſe; and nothing was accounted at court ſo meritorious as the procuring of charters, as the language then was. Therefore, as it was intended that the chief juſtice ſhould be ingratiated into his majeſty's good opinion and favour, as much as was poſſible; this care was taken that, through the fame of his great honour, he ſhould have appeared ſo to the country, and, in conſequence of that, wherever he went, all charters muſt needs fall down before him; and, for that reaſon, the towns were to be prepared by *quo warrantos* ſent down. This affords an uſeful ſpeculation how mean perſons derive to themſelves merit from the power of great ones, who ſhall aſcribe to their inferiors thoſe very events which flow really from their own power. Here the chief juſtice is made to ſeem powerful by the king, with whoſe authority he is graced; and that makes the affrighted towns, at his inſtigation, ſurrender. This muſt be argued to demonſtrate to the king that the chief juſtice had a mighty influence upon the country, having done greater things, in his majeſty's ſervice, than any judge had ever done before; when, in truth, it was not his own proper influence, but the king's power, through him, that had ſuch virtue in the country. It was ſo alſo with reſpect to the city of London; over which the chief

juſtice exerciſed a ſort of violent authority. That he had a great influence there was true: but it was becauſe the citizens thought him a great man at court; and he obtained favour at court, becauſe he was thought to have a great influence in the city. Thus the court conferred their own influences, and took them back by rebound, as ſo much merit reflected from the perſon that managed them. Then it is alſo to be remembered that the north of England is the ſeat of the Roman Catholick intereſt; and ſome things were to be managed by this chief juſtice, with reſpect to them, which no other of the twelve judges would have done, and I am about to relate.

Lord Jeffries of the cabinet, who moved for a pardon of all recuſants.

In the courſe of this northern voyage, which was carried with more loftineſs, and authority, than had been known at any aſſizes before, the charters (as was to be expected) tumbled down, and the chief juſtice ordered all the under-ſheriffs and bailiffs, to give him perfect liſts of all perſons who, upon account of recuſancy, lay under commitment. When he returned to London, and his great ſervices, which argued no leſs abilities to ſerve the king, were diſplayed, the next ſtep was his being appointed to attend his majeſty at the cabinet. The lord keeper, who was but an obſerver of theſe motions, did imagine that ſomewhat extraordinary was to come forth at the next meeting; the rather becauſe, on

Sunday morning (the meetings were uſually on Sunday evenings) the Duke of York ſpoke to his lordſhip *to be aſſiſtant to a buſineſs which, that evening, would be moved to his majeſty;* and that morning, his lordſhip obſerved a more than ordinary ſhyneſs in the countenances of the great men, whoſe remarkable gravity ſatisfied him that they were upon their guard. But what the matter was, his lordſhip did not diſcover till he came to the cabinet; where, after the king was come, and they were ſat, my Lord Chief Juſtice Jeffries ſtood up, and, with the rolls of recuſants before him, *Sir*, ſaid he, *I have a buſineſs to lay before your majeſty, which I took notice of in the north, and which will deſerve your majeſty's royal commiſeration. It is the caſe of numberleſs numbers of your good ſubjects that are impriſoned for recuſancy. I have the liſt of them here, to juſtify what I ſay. They are ſo many that the great gaols cannot hold them without their lying one upon another.* And then he let fly his tropes and figures about rotting and ſtinking in priſons, concluding with a motion to his majeſty that he would, by his royal pardon, diſcharge all the convictions for recuſancy, and, thereby, reſtore liberty and air to theſe poor men. This motion, at that time, was indeed a ſwinger; for, in conſequence, the execution of it, by ſuch a pardon of all convictions, had loſt the king irrecoverably, ſpoiled all future parliaments, ſet up the fanatic intereſt,

his majeſty's declared enemies, and diſabled his friends from appearing, with any countenance, for him. The language had been *now it is plain——you would not believe us. What is popery, if this be not? What ſignify the laws? Will you not expect ſome better ſecurity?* And the like.

The ill conſequences of ſuch a pardon, and the lord keeper only oppoſed it.

His lordſhip was not to learn ſuch conſequences as theſe. But there was yet more, and what directly concerned himſelf in the duty of his office. He could turn his thoughts no way clear of precipices, which, to him, were fatal, though others made account to leap over them. It muſt needs occur that ſuch a pardon muſt paſs the great ſeal, of which he was the keeper, whoſe office it was to affix it: and although, in ſtrictneſs, he could not diſobey the king's expreſs command in that, or any thing elſe that might be called an act of grace, nor be rendered criminal for ſo doing; yet all the loyal party of England, who were his ſure friends, would have expected from him ſuch ſtrong and plain advice to the king, as might have averted him from ſuch a pernicious ſtep, whatever the conſequence was to himſelf, who ought, as many would have ſaid, to have quitted the ſeals rather than held them on ſuch terms; and, for certain, the next parliament had reſented it in all extremity. Now let us ſee with what temper, prudence, and courage, his lordſhip comported under this ſudden and deſperate trial. After the

Lord Chief Juſtice Jeffries had done, and compoſed his rolls and papers upon the table (which none there cared to inſpect) his lordſhip, the lord keeper, ſat a while ſilent, as the reſt, expecting ſome of the lords, eminently in the proteſtant intereſt, as Hallifax, Rocheſter, &c. ſhould begin to ſpeak; but finding no probability of their ſaying any thing, but rather a diſpoſition on their parts, at that time, to let the thing paſs, he applied himſelf to the king, and *Sir*, ſaid he, *I humbly intreat your majeſty that my lord chief juſtice may declare whether all the perſons, named in theſe rolls, were actually in priſon or not.* The lord chief juſtice haſtily interpoſed, ſaying, he did not ſure imagine any one could ſuſpect his meaning to be that all theſe were actual priſoners; for all the gaols in England would not hold them. But if they were not in priſon, their caſe was little better; for they lay under ſentence of commitment, and were obnoxious to be taken up by every peeviſh ſheriff, or magiſtrate, and were made to redeem the liberty they had with groſs fees, which was a cruel oppreſſion to them and their families. Then the lord keeper turned to the king, and *Sir*, ſaid he, *I beg your majeſty will conſider what little reaſon there is to grant ſuch a general pardon, as this is, at this time. For they are not all Roman Catholicks that lie under ſentence of recuſancy, but ſectaries of all kinds and denominations; perhaps as many or more,*

who are all profeſſed enemies to your majeſty and your government in church and ſtate. They are a turbulent people, and always ſtirring up ſedition; and if they do ſo much when they lie obnoxious to the laws, which your majeſty may inflict upon them at your pleaſure, what will they not do, if your majeſty gives them all a diſcharge at once? That would be to quit the greateſt advantage you have of ſecuring the peace of the nation. Is it not better that your enemies ſhould live under ſome diſadvantages, and be obnoxious to your majeſty's pleaſure, who may, if they are turbulent and troubleſome, inflict the penalties of the law upon them? And as to the Roman Catholicks, if there be any perſons to whom your majeſty would extend the favour of a pardon, let it be particular and expreſs, and not univerſally, to ſet your enemies, as well as friends, at eaſe. And, after all, the diſadvantage they lie under, is but the payment of ſome fees to officers, which is compenſated by the exemption they have from ſerving in chargeable offices, which other conformable perſons ſuſtain. But, in a general view of the ill uſes, that would be made of ſuch a ſtep, in the nation at large, to the prejudice of your majeſty's intereſt and affairs, both in and out of parliament, as they were obvious, ſo the extent of them is beyond my view, and, as I think, have no end; or to this effect. The king gave great attention, and the other lords wondered; but no farther word was made of the matter; and they proceeded to other

buſineſs. That night his lordſhip came home full of melancholy; and it was ſome time before any perſon, near him, knew the occaſion of it. But he would ſometimes break out in exclamations, as *what can be the meaning! Are they all ſtark mad!* and the like. That very night he took his pocket-almanack, and, againſt the day, wrote

" Motion, cui ſolus obſtiti.
Motion, which I alone oppoſed.

For he accounted this action of his the moſt memorable that he had ever done. He was not without a jealouſy that one great end, of that peſtilent, abſurd motion, was to put a thorn in his foot, and, by way of dilemma, heave him out of his place. For, if the king had commanded, and he refuſed to put the ſeals to ſuch a pardon, then he deſerved to be removed by a juſt diſpleaſure. If he had complied, then the parliament had effectually done it. And the ſhift the Lord Nottingham uſed, in ſealing the Earl of Danby's pardon, that is by ſurrendering the ſeal to make it the king's act (which he called a ſtamp of creation) might not have ſerved his lordſhip's turn ſo well, whom both Papiſt and Fanatick ſtrove, with all their might, to remove out of their way: and ſmall pretenſions had ſerved their turn, as appeared in diverſe

attempts of that ſort, which are largely diſplayed elſewhere, and particularly in the Examen. But thus much I am led, by his lordſhip's notes, to ſay of the cabinet council.

The ſame deſign on foot before; but, his lordſhip proceeding formally, it was dropt.

His lordſhip was not altogether a ſtranger to this diſpoſition touching impriſonments; for the king had been troubled about them before, or, at leaſt, thought to mention the hard caſes to his new lord keeper, urging him to get due information of them, and to find ſome expedient for their relief. There was no doubt but this proceeded from ſolicitation in favour of the recuſants on the ſide of the Papiſts; though, at firſt, it bore the viſage of a Sectarian party. For, about that time, many Quakers, and Conventiclers of all ſorts, had been proſecuted for not coming to church, and lay under ſentence of the law, partly, as recuſants, and, partly, on other accounts, whereof ſome were in priſon, and others not; and very few Popiſh Recuſants, purely for recuſancy. His lordſhip applied himſelf to the means of gaining a regular and ſtrict information of this whole affair, in order to lay the ſame before the king, and ſo adviſe what was fit to be done thereupon. And, accordingly, in February 1682, which was not long before the vernal circuit that year, his lordſhip wrote to Mr. Juſtice Jones, and, probably, to the reſt of the judges, then

preparing for their circuits, the following letter:

" Mr. Juſtice Jones,

" HIS majeſty, having received complaint " that many perſons, of mean condition, " lie in priſon, upon criminal proſecutions, " in ſeveral gaols of this kingdom, where " they endure great hardſhips and miſeries, " becauſe of the ſtraightneſs of the priſons, " in reſpect of the number of priſoners, and " for want of neceſſaries, is deſirous, for their " relief, to extend his royal compaſſion to " ſuch of them as ſhall be capable thereof " upon their particular caſes. In order " whereunto, his majeſty would be informed " by his judges of aſſize, in their ſeveral " circuits, or by ſome juſtice of the peace, " in the ſeveral counties and places where " the priſons are, who may receive an ac- " count thereof from the ſheriffs, gaolers, " or other perſons of credit,

1. " Whether the number of priſoners " is ſo great that the priſons cannot conve- " niently contain them; and if it be, then " farther to certify the names of ſuch per- " ſons as are in priſon upon ſuch proſecu- " tions; and if any be under the age of " twenty-one years, and what the offences " are, and how long they have lain there?

2. " Whether they are poor, and unable " to maintain themſelves, and whether they

" are Papiſts, Quakers, or other ſects, if it " can be known?

" Theſe are to deſire you, in your circuit, " to receive an account of the particulars " above-mentioned, and to bring it with you " at your return; or elſe to give it in charge " to two or three of the moſt diſcrete juſtices " of ſuch counties, that may ſend it to me, " to be laid before his majeſty; when he " ſhall think fit to declare his pleaſure far- " ther thereupon." C. S.

This letter, as to the prudent and cautious part, admits a ſenſible comment, reſpecting this latter purſuit through other hands; of which the account is already given. Theſe points are touched, 1. Actually in priſon, or not. 2. The priſons capable to hold them, or not. 3. The names of the perſons. 4. If under twenty-one years. 5. How long in priſon. 6. Whether poor or not. 7. Whether Papiſts or Sectaries. All which matters were the ſubject of the Lord Jeffries's extreme repreſentation. And to what end? Not, as he moved, a general pardon of all recuſants, but capacity of favour, according to particular caſes; which is what his lordſhip moved in anſwer to Jeffries. So that, upon the whole, this very project of getting the general gaol delivery of recuſants, viz. their abſolute diſcharge by a general pardon, was jogged

upon his lordſhip, to have had it been moved by him. And, probably, it might have been mentioned to him before, by the king, as a proper remedy; but that his lordſhip put it off. But not altogether to reſiſt his majeſty's diſpoſition to clemency, where it might be properly placed, and not be turned upon him in evil conſtructions, he then put the buſineſs into this formal way of writing to the judges. But that did not anſwer the end of the Roman Catholicks, whoſe work it was (though I believe his lordſhip thought there was a ſtrong ſpice of the Fanatic in it), therefore theſe former returns were not called for; but the buſineſs was now put into a better hand, from which it would come roundly off to the purpoſe intended, viz. a general pardon of all convictions for recuſancy; which his lordſhip again ſtopped, as I related before. But yet his lordſhip, by ſeveral means, which, by reaſon of his authority, he might effect, had full accounts brought him of thoſe items, or the greateſt part of them. When his lordſhip firſt thought fit to diſcourſe with his intimates concerning this flagrant attempt of Jeffries, he expreſſed the greateſt reſentment at his being deſerted by the other lords, of whom not one either led, or followed, or gave any countenance or ſupport in a cauſe that ſo much concerned the king's ſervice. And from thence he ſaw what he muſt truſt to amongſt them, that is,

only his own integrity and open dealing, without any ſupport from them; and he never after expected an ally or friend in his buſineſs at court. The riſing ſun hath a charming effect, but not upon courtiers as upon larks; for it makes theſe ſing, and the others ſilent. Theſe things I have thought fit to join to his lordſhip's notes of the poſture and changes in the cabinet council, when he ſat there as lord keeper; and now I proceed to other matters.

His lordſhip's political aim, and rule of power.

I have ſhewed the company his lordſhip had in the publick ſervice, during his miniſtry at court, and their characters, and, in ſome reſpects, their behaviour. It may not be amiſs, now, to ſhew what were his lordſhip's ſentiments, and the meaſures that influenced his actions, and were often the ſubject of his diſcourſes to others. I can, with great aſſurance, affirm that, about theſe times, and for diverſe years, while he ſat in the Common Pleas, his thoughts were bent upon ſerving his country. And indeed, from the very firſt of his acting judicially, he ſtudied amendments of every thing, as might beſt be by him done for the benefit of the ſuitors. And, after he was taken into public counſels, he, not only courted but, laid to heart the nation's good; and, as he ſaw that decline, he grieved; and, as he thought it gained a little, he rejoiced. This was eaſily to be diſcerned by all his friends, with whom he freely converſed.

And that kind of paſtime, when he had liberty to enjoy himſelf, was the moſt agreeable of any; I mean the walking to and fro, and diſcourſing freely with his friends; as will be ſhewed more expreſs afterwards. But, after that manner, he uſed to propoſe his doubts and fears, as well as hopes, of the publick, and take their ſentiments. This was his way of refining his notions, viz. upon the teſt of the opinion of his friends; to which he gave great regard, and never diſcouraged their freedom. And, when he waited at court, this ſort of converſation ſerved to inſtruct, as well as to divert him. And even in the preſence of King Charles the Second, who was a free talker himſelf, and encouraged it in thoſe about him, matters of very great conſequence would fall in the diſcourſe; and his lordſhip had art enough to ſpeak his thoughts truly and agreeably. As once, when the diſcourſe was upon the ſubject of uſing lenity, or ſeverity, in caſes of tumult or ſedition, ſome thought that rigours, others that pardon was more proper; and many were for cruſhing enemies with open force. His lordſhip ſaid to the king, that *his majeſty's defenſive weapons were his guards, and his offenſive weapons the laws; and that enemies were to be reſiſted by oppoſing force to force, but to be puniſhed only by law.* I remember this ſaying of his was taken notice of as an admirable temper in ſtating the matter of

force to the king; and his lordſhip had a general applauſe for it. Great men and governors are very propenſe to err in the notion of power, and, out of impatience of oppoſition, and deſire of revenge, reſort to force, which, early or late, turns the evil upon themſelves; and, with theſe men, any one, that argues againſt ſuch methods, is looked upon as a faint friend, or enemy diſguiſed. But, to give the due office to power, and proper efficacy to the law, this rule to the king admitted of no ill conſtruction; neither one way, by undermining the guards and the militia (which was the driſt of the faction) nor the other way, by ſetting up the militia againſt property (which then was calumniated) and, being ſo fairly inſinuated, was, at that time, no mean ſervice to the crown and nation.

The power of the crown not enough, and the reaſons.

His lordſhip was perfectly at eaſe in the conſcience of his behaviour, and ſcorned the vulgar and fanatic calumnies, that he was a prerogative man, and laboured to ſet up arbitrary power: but, notwithſtanding all that, he laboured as much as he could to ſet up the juſt prerogatives of the crown, which were well known in the law, and to the lawyers; although it had been much the faſhion, as well in Weſtminſter-Hall, as at St. Stephen's, to batter the prerogative. He has ſaid *that a man could not be a good lawyer, and honeſt, but he muſt be a prerogative man:* ſo plain were the law books in theſe

caſes. He was ſincerely of opinion that the crown wanted power by law; ſo far was it from exceeding. It was abſolutely neceſſary that the government ſhould have a due power to keep the peace, without treſpaſſing upon the rights of any one; and if it had not ſuch power rightfully, either it would aſſume and exerciſe powers that were wrongful (and then what bounds?) or elſe ſedition would prevail, and, pulling down one, ſet up another government entirely wrongful; to which all law and truth being oppoſite, conſequently ſuch a government would be oppoſite to them, and meditate no ſecurity but actual force. And what can the people, that are always deſigning to diminiſh the juſt powers of the crown, expect, but that the crown ſhould always deſign to repair itſelf by a proviſion of force? Nothing is ſo ſure as that government will be ſupported by means either rightful or wrongful; if ſubjects will not have the one, they ſhall have the other. Theſe conſiderations made his lordſhip ever ſet himſelf againſt the Republicans, and reſiſt their intended encroachments upon the crown. He thought the taking away of the tenures, a deſperate wound to the liberties of the people of England, and muſt, by eaſy conſequence, procure the eſtabliſhment of an army. For when the legal dependance, of the monarchy and the country upon each other, is diſſolved, what muſt ſucceed but force? He uſed often to

inveigh againſt thoſe, who perpetually projected to weaken the monarchy, as a ſort of men, either corrupt and falſe-hearted, or, elſe, ſhort-ſighted and ignorant. The yet living hiſtory of the late times concurred; for what did the people get by robbing the crown of the power to diſſolve the parliament, and of the militia? There cannot be a more falſe illuſion than it is to ſuppoſe that what power the crown loſt, was ſo much liberty gained to the people. And yet, in theſe times, a broad-ſpread party went about with ſuch ſyren ſongs to engage the community to join in their project of diveſting the king of his commiſſions of the peace and lieutenancy, &c. All which his lordſhip ſaw plainly and deteſted. I have heard him ſay, that if the people knew what miſeries would be the conſequence of theſe men's having their wills, they would ſtone them, as they would mad dogs in the ſtreet. It may be eſteemed one of his lordſhip's chief felicities that his real principles of honour and probity exactly ſquared with his engagements and ſervices at court. He never had the remorſe to have, in the leaſt, diſ-ſerved his country, by ſerving the crown; and the diſcerning court, and the much more diſcerning king, ſaw plainly that he acted from the bottom of his heart, and did nothing ſervile, or for flattery, that any way contradicted the ſeries of his conduct and advice; which is more than can be truly

ſaid of any of the preferment-hunters of that, or almoſt any time.

I ſhall enlarge no more upon character here, having deſigned places apart for thoſe matters, but proceed. And, in the firſt place, I enter this general proteſt, that, to my own certain knowledge, his lordſhip's great ſtudy and labour was to convince and to diſpoſe his company, ſo as they might heartily co-operate with him in the glorious work of bringing the king into the ſoundeſt meaſures of the Engliſh government, which were to rule wholly by law, and to do nothing which, by any reaſonable conſtruction, might argue the contrary. In this deſign he was, in one reſpect, ſingular; for he had no ſelf-intereſt, no boons to aſk, no party to head, nor means to ſuſtain an intereſt at court; depended on nothing but merely the character he bore, and his own perſonal qualifications. Some had the protection of the Duke of York, and of the French ladies; others were of the Lord Halliſax's party; and ſome of the Lord Rocheſter's. But he was in the midſt of all the court, *ſolus cum ſolo*, alone by himſelf; at leaſt after Jenkins withdrew. But yet he urged continually the ſame doctrine, that, holding to the law (wherein I always include the eſtabliſhed church of England) his majeſty was, not only ſafe but, growing in power and credit; which, if he forſook the law, would all fall retrograde, and ſcarce ever be recovered

His lordſhip's whole labour was to bring the court entirely into the policy of the law; and the good ſucceſs it had.

His majeſty had good hold, and ought to make his ſtation firm. And, as this was his lordſhip's endeavour, ſo it was his pleaſure to ſee the crown recovered from all troubles and hazards brought over it by faction, that had no advantage at all againſt the king, but what flowed from their affected ſurmiſes, to the people, that his majeſty leaned to popery, affected arbitrary power, and, for aiding theſe deſigns, allied with the French. The falſe ſteps of the court by improvident war, and, its certain train, neceſſity; and then undue means for money, courting Papiſts, and Fanaticks, by indulgences againſt the law, and the like, gave handles which the Fanaticks (though acceſſary in procuring the indulgences) improved to the king's prejudice in his affairs; and that, even till they thought his credit and authority almoſt ſunk. But, in the rage of thoſe times, when plots, like ſerpents from corruption, bred out of iniquity, the king ſaw his danger, and, with the help of a faithful miniſtry, in which his lordſhip had no mean part, and a reſolution to let the laws have their courſe, recovered his ſtate, and, about the time when his lordſhip received the great ſeal, had ſuppreſſed all the forces of his factious enemies, and reduced them to utter ſilence in corners where they were very glad to be covered in ſafety.

His lordſhip diſcerned the underminers

As this was his lordſhip's greateſt pleaſure, ſo the ſequel brought over him a bitter

portion of melancholy reflections. For he ſaw immenſe troubles a great way off, and, nearer hand, not a little of cloudy prognoſtick at court: for, not only the Papiſts but, vain projectors of change, and flatterers of power, eſteeming the king's authority then ſafe and inexpugnable, began a new game by endeavouring to bring the king off from the ſound meaſures of his faithful miniſtry. His lordſhip was the laſt that ſtuck firm to him, and kept himſelf from being tainted, with courtſhip of the ſucceſſion, by any compliances in matters of religion, and undue attempts againſt law. But, on the other ſide, much endeavour was uſed to get ſuch a rock of offence, as he was, out of the way; and that was a fruit expected to fall from the reform of the cabinet, as I mentioned before, and by puſhing extravagant things towards his lordſhip, one way or other, to break him. But his credit (as I ſaid) was ſuch with the king, that no court tricks would faſten to his prejudice; but his majeſty ſupported him, not only in authority but, in honour, all his life, and would not bear any indecent reflections againſt either. And his lordſhip had alſo the comfort to perceive what few people, even of the court projectors themſelves, diſcerned; which was that the king grew weary of his Sunderlands, Jeffries's, and other (more latent) operators of the new model; and that if his majeſty had lived ſix months longer, proba-

at work, but hoped well of the king.

bly, he had removed them; for he found his affairs move untowardly, and faction, in freſh hopes of a new game, began to be buſy, and to caſt ſheeps eyes (as they ſay) towards elections, in order to corrupt the next parliament, and, if that had happened, it had been ſcarce poſſible for the king to have held faſt the then general good opinion which the people had of his royal intentions and government; which being well taken care of and preſerved, had certainly procured him a good parliament: and then, and not otherwiſe, all had been well. And, accordingly, as there was a neceſſity of calling a parliament ſoon, his lordſhip often put his majeſty in mind of that, and to have a care that no unpopular ſteps might corrupt the next elections. As to Jeffries, he began to ſmell a rat, and warped towards mutiny, that he was not rewarded enough; as if he thought of turning into the male-content party. Theſe are the main lines of his lordſhip's miniſtry as to politicks; which will be verified by the juſt hiſtory of King Charles II. and (if no better appear) in the Examen, together with ſome particular matters I ſhall mention in the courſe of this relation.

His lordſhip's courſe of life, and application at court, during his miniſtry.

His lordſhip's method of living, with reſpect to his great employment, was very commendable: for all his time was devoted to the buſineſs incumbent upon him. He put but very little of it to his own uſe; and

what paſſed in eaſy converſation, which was the chief of his pleaſures, had ſtill a regard to his employ, by enquiring, canvaſſing, and debating, with thoſe of his ſociety, ſuch points as concerned the republick. He had no kind of vice or immorality within his walls: and of what ſort his remiſſions were (for ſome are neceſſary to life) I ſhall give a fuller account afterwards. But it is decent here to name the chief; which was a ſolitary, or, rather, ſpeculative uſe of muſick; of which he commonly took a reliſh at his going to bed; for which end he had an harpſichord at his bed-chamber-door, which a friend touched to his voice. But he cared not for a ſet of maſters to conſort it with him. And, unleſs it were once, under Purcel's conduct, I never knew him uſe ſuch; for there was ſomewhat ſtiff in that way, that was not eaſy. The mornings were, for the moſt part, devoted to the juſtice-ſeat of the Chancery, either in the court at Weſtminſter, or in the cauſe-room at home, during the uſual periods; and not ſeldom in attendances upon petitions, and diſpatching the perpetual emergences of the ſeal. His houſe was kept in ſtate and plenty, though not ſo polite as the court mode was. The nobility, and chief gentry, coming to London, were frequent at his table; and, after a ſolemn ſervice of tea in a withdrawing-room, the company uſually left him; and then the cauſe-room claimed him, and held

him in pain, with cauſes and exceptions, often till late. He had little time to himſelf; for he had this infirmity, that he could not bear to make any one wait; but if his ſervant told him of any perſon, great or ſmall, that waited without, he could not apply to think of, or do any thing, till he had diſpatched him. The interval, between the buſineſs of the day, and going to bed, was his chief refreſhment; for then his moſt familiar friends came to him, and the time paſſed merrily enough. And there it was that the court ſpies found acceſs to plumb his moſt free ſentiments; but with ſmall profit, for he had the ſame face and profeſſion in public, as he had in private. They could diſcover only that he was an honeſt man: but more of this elſewhere. His attendances at Whitehall were, chiefly, at ſolemn times; as on Sunday morning, to wait on the king to chapel. That was uſually a grand aſſembly of the court; and the great men had opportunity to ſpeak in diſcourſe to the king as he gave them occaſion, of which his majeſty was no niggard; and very excellent things, ſaid there on the one ſide and on the other, were an high regale to ſuch as had the advantage to ſtand within hearing. On the week days, thoſe, called council days, always, and ſometimes, committees of council, required his lordſhip's attendance; and Thurſday was always public: others for private buſineſs upon

ſummons. His lordſhip managed at the council table; though there was a lord preſident, who, regularly, ſhould take up that part. But it doth not always happen that great men, poſted there, have the art of examining into, and developing intricate matters, as are commonly brought to hearing. When the king was at Windſor, the public council was commonly held at Hampton-Court; which was for the eaſe of attendance. His lordſhip had a lodging, both at Whitehall and Hampton-Court, to retire to upon theſe occaſions. The cabinet council uſually ſat on Sunday evening; and when the court was at Windſor, that was always a travelling day, and a lodging was provided for his lordſhip in the dean's houſe. His lordſhip was neceſſitated to be a courtier, although he had no ſtep of a court, nor delighted at all in ſuch an aſſemblage of eyes and ears, always open to caption. He never flattered any man; unleſs giving no offence, which he extended even to his enemies, may be accounted flattery. He liked never the beginning nor end of a fray, while it was ſuch. And this made the great judges of the circle agree he might be a good lawyer, but they were ſure he was no courtier. He liſted in no party or intereſt but the king's; and neither had nor cared for friends who were enemies to his majeſty and his government. And, on that ſide only, he lay open; for it was poſſible, and many did

come near to a confidence with him, by pretending great ſervices in an orthodox way to his majeſty; though at the ſame time enemies to both. I could name ſome, but for reſpect to their aſhes (which are much more worthy than ever their perſons were) I forbear them. If there was any incident, upon which his lordſhip thought fit to take the king's pleaſure from his own mouth, or if he had any thing to acquaint his majeſty with, that required privacy, his lordſhip's way was to go to court expreſs, and chooſe the fitteſt times, when he thought the king would be leaſt engaged, that he might have more ample diſcourſe. And, commonly, he went directly to the bed-chamber, and there ſat him down. There was always, in that part of the court, attendants who ſtraight found where the king was, and told him my lord keeper was there, and the king, knowing he had ſomewhat to ſay to him, never failed to come to him, and that without any delay. Which I have heard his lordſhip ſpeak of as a very gracious reſpect towards him; enough to have obliged him, if poſſible, more to his ſervice. King Charles was one that paſſed much of his time in diſcourſing, and uſed to do it freely with his lordſhip, when alone together; by which his lordſhip picked up ſome fragments of hiſtory, many of which are inſerted in the Examen; and ſomewhat of King James's too, but not ſo much. This is the ſhort account of his

lordſhip's courſe of life, with reſpect to his great office and miniſtry, that I am capable to give. And I think I have not cantoned much from the places intended expreſs for particularities of this nature. So I proceed to ſuch affairs as more eſpecially concerned his lordſhip.

Lord Jeffries ſets up to oppoſe his lordſhip, firſt, when Bedingfield was made a judge.

It was touched before that the Lord Chief Juſtice Jeffries was brought forwards, and buoyed up by the adverſe party of the court, on purpoſe to ruffle my lord keeper, and, by ſuch ways and means as they might lay hold of or invent, to have him out: in order to which, affronts, diſappointments, falſe ſtories, and calumnies were, for ſuch attacks, a choice artillery. And, that point being once gained, it was preſumed that the Lord Chief Juſtice Jeffries, one ready to do all that was required of him, ſhould ſucceed. Among other opportunities of this kind, ſome related to the law, in the appointments of judges into vacancies; and, in thoſe affairs of common courſe, the lord keeper is conſulted, and hath the nomination to the king, of fit perſons to be truſted as judges. There was one Serjeant Bedingfield, a grave, but rather heavy, lawyer; but a good churchman, and loyal by principle. His lordſhip had caſt his eye upon him, and intended to nominate him to the king, for ſupplying a place in one of the benches then vacant, but thought fit firſt to ſpeak with him. Being ſent for, he came, and was told what was

deſigned for him. He was exceeding grateful in acknowledgments of ſo great a favour and honour done him by his lordſhip, in thinking of him without his ſeeking; and ſaid he ſhould ever own his preferment, as long as he lived, to his lordſhip, and to no other perſon whatever. All which was well. This ſerjeant had a brother, a woollen-draper in London, who was a creature and companion of the Lord Jeffries. That chief, underſtanding ſome way that his friend's brother was to be a judge by the lord keeper's means, ſent for the draper, and told him plainly, that, if his brother would not take the judge's place as of his proviſion and intereſt, and not my lord keeper's; or if he ſo much as went to the lord keeper, on ſuch an account, he would oppoſe him, and he ſhould not be a judge at all. After this, the poor ſerjeant, againſt his deſire, was forced to conform; his ſpirits were not formed for the heroicks, and, accordingly, to ſacrifice the intereſt of himſelf and his brother to gratitude. His lordſhip, finding how the wind ſat, diſpenſed with the man's infirmity, although he never came at him; and ſo, by common conſent, he was made a judge. In this inſtance we may diſcern the extremes of impertinent arrogance, and true worth.

Another inſtance in making Serjeant Wright.

Another inſtance, of the like impertinence, was acted in the making Sir Robert Wright a judge. He was of a good family, ſettled

near Thetford in Suffolk, and, when he was young, he married one of the daughters of Dr. Wren biſhop of Ely. He came up, in his practice, together with his lordſhip; and they went the Norfolk circuit together. Wright had more buſineſs, for many circuits, than his lordſhip had. He was a comely perſon, airy and flouriſhing, both in his habits and way of living; and his relation Wren (being a powerful man in thoſe parts) ſet him in credit in the country: but, withal, he was ſo poor a lawyer, that he could not give an opinion on a written caſe, but uſed to bring ſuch caſes, as came to him, to his friend Mr. North, and he wrote the opinion on a paper, and the lawyer copied it, and ſigned under the caſe, as if it had been his own. It run ſo low with him that, when Mr. North was at London, he ſent up his caſes to him, and had opinions returned by the poſt; and, in the mean time, he put off his clients upon pretence of taking more ſerious conſideration. One cannot conceive that this man could get much by the law, nor did he; but, by favour, he was made treaſurer to the cheſt at Chatham, and, by his voluptuous, unthinking courſe of life, he run in debt, and uſed frequently to caſe himſelf upon his friend North, by borrowing money at times. The debt, at length, grew ſo conſiderable, that his lordſhip thought fit to pay off his other debts, and take in the mortgage of his eſtate, which he held

a judge againſt his lordſhip's judgment, and all ſome and reaſon.

charged with 1500*l.* Afterwards, and not many years before he put in for a judge's place, he borrowed of Sir Walter Plummer 500*l.* upon an original mortgage of the ſame eſtate, and made an affidavit that it was clear from all incumbrances. Which affidavit Sir Walter Plummer afterwards brought to his lordſhip, even while the mortgage was in his hands; which amazed him; but he took his money and aſſigned to Sir Walter Plumber. One would think that this was a competent knowledge of that man's character. But he, being upon the brink of utter ruin, applied to Jeffries to reſcue him, by getting him made a judge. When the time came, and his lordſhip was with the king, conſulting about a fit perſon, the king ſaid, *My lord, what think you of Serjeant Wright? Why may not he be the man?* His lordſhip anſwered that *he knew him but too well, and was ſatisfied he was the moſt unfit perſon in England to be made a judge. Then,* ſaid the king, *it muſt not be;* and ſo it went off at that time. But Wright ſtill, by his friend Jeffries, puſhed his point; and, in the interim, worked all he could, by moſt importunate applications, and bitter tears, (but for no other reaſon than that, *if he failed now, he was utterly ruined*) to gain his lordſhip to yield that he might be a judge: but to no purpoſe; his lordſhip was inflexible: and though he wiſhed the poor man well, upon account of old acquaintance, he would

not gratify him at the coſt of his own breach of duty, or rather, in that reſpect, perjury. The king took his time, more than once, to ſpeak to his lord keeper, ſaying, as before, *Why may not Wright be a judge?* And, at laſt, *is it impoſſible my lord?* his lordſhip, ſeeing the king's pangs, (for it was plain that this man, by the ſecret court clan, was determined to be preferred; for he was a creature of Jeffries, and a tool that would do any thing; and they wanted only the formality of my lord keeper's concurrence, to whom the king poſitively would have a due reſpect paid) took the freedom to ſay that the making a judge was his majeſty's pleaſure, and not his choice; that he was bound to put the ſeal as he commanded, whatever the perſon was; for, of that, his majeſty was to judge, and finally determine. He could but do his duty by informing of his majeſty of what he knew to be true: and particularly of this man, whom he perſonally knew to be a dunce, and no lawyer; not worth a groat, having ſpent his eſtate by debauched living; of no truth, nor honeſty, but guilty of wilful perjury to gain the borrowing a ſum of money: and then he opened more at large the matter of the affidavit. *And now*, ſaid the lord keeper, *I have done my duty to your majeſty, and am ready to obey your majeſty's commands in caſe it be your pleaſure that this man ſhall be a judge.* *My lord*, ſaid the king, *I thank you;*

and went away; and, ſoon after, the warrant came, and he was inſtated.

A vain triumph of the Lord Chief Juſtice Jeffries in public.

Here was, underhand, a court experiment made whether of the two had the greater power with the king; the lord keeper, or the lord chief juſtice. There was alſo the vanity of the latter, of which I ſhall give demonſtration. But his lordſhip was above making conteſts of that nature. If he had took pet, and made a publick feud, as moſt of his enemies expected, and alſo that he would not have endured that the chief juſtice ſhould tread on his heels at that rate, he might have flown high in expoſtulations, and made ſomewhat crack, before ſuch time as the king (whoſe judgment of men was great) would have parted with the beſt miniſter in the law that the nation afforded, not knowing where to get another ſo faithful, as well as able, and willing, truly to ſerve him. But, as I ſaid, his lordſhip was above perſonal competitions, and ſatisfied himſelf in having done his duty, with which, the making flagrant diſputes at court, and embroiling the king's affairs, did little conſiſt; and ſome grandee alſo lay behind the curtain, of whoſe concern his lordſhip was tender. But now, to ſhew the effects of upſtart court vanity, I muſt here ſubjoin a paſſage acted in Weſtminſter-hall. It is the cuſtom of the chief juſtice, and his brethren of the King's Bench, in the morning to robe themſelves at a bar below in the hall, before

they go up to the court. This is called the ſide bar; and there they hear the attornies wrangle about matters of practice. It ſtands juſt before the chancery court, and in full view of the lord keeper, as he ſits upon the bench; and the chancery uſeth to ſit long before the judges of the King's Bench come to the hall. After this point, of Wright's being a judge or no, was determined at Whitehall, as I related, the lord chief juſtice, at his ſide bar, ſeeing Serjeant Wright walking in the hall, extended his arm, and beckoned him; and ſtraight, with all the humility and crouching imaginable, the ſerjeant haſted to him. And then the chief juſtice only leaned over the bar, and compaſſed the ſerjeant's ſhoulders in his arms, and, after a whiſper in his ear, flung him off from him holding out his arms, ſome ſhort time, in that poſture. This was a publick declaration that, *in ſpite of that man above there*, Wright ſhould be a judge. His lordſhip ſaw all this, as it was intended he ſhould, and it cauſed him ſome melancholy; though not at all as concerning himſelf, or the vanity of the chief juſtice; but for the nature of the affair, and the manner of its proceeding; which he foreſaw would have worſe turns, if ſo done, as was like to be, in other affairs of larger denominations.

I know that many will be apt to inquire how I came to know, ſo particularly, theſe court-dialogues, *tete à tete*, between the

Apology for the minute-neſs.

king and his miniſter. I can readily anſwer, by means lawful enough; as alſo for more, of like nature, in the courſe of this relation; and thoſe, who obſerved my courſe of life and converſation, could make no doubt by what means. Some may alſo alledge that I bring forward circumſtances too minute, the greater part of which might be dropped, and the relation be more material, and, being leſs incumbered, eaſier underſtood and retained. I grant much of that, to be true; but I fancy myſelf a picture-drawer, and aiming to give the ſame image to a ſpectator, as I have of the thing itſelf which I deſire ſhould here be repreſented. As, for inſtance, a tree, in the picture whereof, the leaves, and minor branches, are very ſmall and confuſed, and give the artiſt more pain to deſcribe, than the ſolid trunk and greater branches. But, if theſe ſmall things were left out, it would make but a ſorry picture of a tree. Hiſtory is, as it were, the portrait, or lineament, and not a bare index or catalogue of things done; and, without the how and the why, all hiſtory is jejune and unprofitable.

An indecent Behaviour of the Lord Chief Juſtice Jeffries.

There was an odd paſſage at the council-board, which, for its affinity to what is paſſed, ſhall be ſuperadded. The juſtices of the peace, about Stepney and Wapping, had great differences one with another, which embroiled the very ſeſſions, and hindered the proceeding of the ordinary

buſineſs of that court. One Smith headed one party, and one Baily another. Theſe two uſed always to fall foul on one another, in public, with injurious reflections: and the matter run ſo high, between them two, that it came before the king, and there was an hearing before the council. His lordſhip ſaw no reaſon why the king ſhould be troubled with ſuch ſquabbles; but if either had received injury, he might right himſelf by the common courſe of law. The lord chief juſtice, it ſeems, had taken the patronage of one of the parties, I think it was Smith; and, being flaming drunk, came up to the other end of the board, and (as in that condition, his way was) fell to talking and ſtaring like a madman, and, at length, bitterly inveighed againſt Trimmers, and told the king that he had Trimmers in his court, and he would never be eaſy ſo long as the Trimmers were there. When he had done, the lord keeper, knowing theſe darts were intended towards him, ſtood up and ſaid only, "that he did not apprehend there "was ſo much concern in this buſineſs; "and my lord chief juſtice appearing "ſo well informed of it, he moved that his "majeſty would refer the whole to be ex- "amined into by his lordſhip, and that the "parties attend him; and then his lordſhip "making a report of the whole controverſy "to his majeſty in council, he might there- "upon order as he ſhould think fit.' The

parties being thus referred to the chief juſtice, the ſcandal continued; but, in the end, it was ſo ordered that Baily (as I take it) was undone. I ſuppoſe I need not here uſe many words to interpret the word Trimmer, which was taken up to ſubdivide the Tory party, of whom all (however loyal, and of the eſtabliſhed church profeſſed) that did not go into all the lengths of the new high flown party at court, were ſo termed. I can place under this paſſage no better corollary than that all times have their criſis in authority; and no indecencies are ſo great, but ſome will bear them.

His lordſhip declined joining in councils of foreign affairs.

His lordſhip always declined giving any opinion in that branch of royal œconomy, called foreign affairs. He could not avoid being in the way of the ordinary deliberations of that kind, by reaſon of his attendance on the uſual councils. And although he was, for the moſt part, at the committees of the privy council, as for trade and plantations, &c. which might be called Engliſh buſineſs, he never cared to attend at the committee for foreign affairs. He profeſſed himſelf, for want of a fit education, and ſtudy, incompetent to judge at all of thoſe matters. I have heard him ſay that, of all the ſubjects, that he had ever come in the way of, to hear debated, he could leaſt bring himſelf into a ſatisfactory reſolution concerning foreign affairs, even when he was preſent at councils of that ſort; and then no

wonder he declined giving any judgment thereupon. But yet he hath often ventured ſo far, among his friends, as to declare that he thought King Charles II. underſtood foreign affairs better than all his councils and counſellors put together; for, by reaſon of his unhappy exile and travels, he had either a perſonal acquaintance with moſt eminent ſtateſmen in Europe; or elſe, from ſuch as could inſtruct, received their characters, on whom the criſis of moſt courts depended. And this knowledge he perpetually improved by converſing with foreigners, as they came over, men of quality, and embaſſadors, whom he would ſift, as being a good judge of their veracity, and ſerve himſelf, one way or other, of their converſation, and poſſibly drunk as well as ſober. And, when they thought to ſift him, who, to give him his due, was but too open, he failed not to make his beſt of them. It was his lordſhip's fortune to clear the doubt of a Turkiſh war, contrary to the opinion of all the foreign miniſters, by the means of his brother Sir Dudley North, whom, for that end, he cauſed to attend the king in council: but this paſſage hath been accounted for in the Examen. I might touch here upon an unhappy difference that fell out between the Earl of Halliſax, and the Lord Rocheſter, about the bargain made with the farmers of the exciſe, which quarrel his lordſhip had ſome ſmall ſhare in;

but as Sir Dudley was the chief actor therein, I ſhall leave it to its proper place in that gentleman's life.

The king become more addicted to buſineſs than formerly.

His lordſhip took notice that the king, having had ſome aguiſh attacks at Windſor, appeared to be more conſiderative, and grew more ſenſible of the niceties of ſtate government, than he had been before, eſpecially relating to the treaſury. He found that to be his ſheet anchor; for the parliament would not always be in a giving humour and the leſs, if he could not ſubſiſt without their help; for that animated his enemies, by giving hopes that his neceſſities would, at length, reduce him to the ſtate of *carte blanche*. He uſed to be often preſent at the treaſury, and ſaw the eſtimates and diſpoſitions of his miniſters in that office, and what hands were capable to ſupply what he had ſeriouſly in his mind to perform; and particularly the providing for his natural children, and building the new houſe at Wincheſter, which he thought to be a better air than Windſor. And reaſon good; for the latter ſtands on a ſharp cliff reſpecting the north, where all the air of the valley, from that quarter, pinches upon the caſtle, as water, entering at the great end of an hunting horn, paſſeth through, at the leſſer end, with much more violence and ſwiftneſs. His majeſty was very much concerned and impatient to have this new building finiſhed, ſaying, *a year was a great*

time in his life. And ſo truly it proved; and the more unhappy, becauſe now he was paſt the gaieties and pleaſures to which he had been furiouſly addicted, and which had almoſt diſabled him as to government. Such ſupine errors and neglects had he been guilty of; and without a ſingular penetration, and good judgment of men and things, which he was egregiouſly maſter of, and, at fit times, exerted, he had been, as his father was, loſt. Nay, probably, if his father's example had not been flagrant before his eyes, and if, of the two, it had been his chance to have been the earlier ſubject of the factious practice, and thereby, as his father was, ſurpriſed into a fond way of truſting perſons, in all probability, his majeſty had not eſcaped ſo well as he did. But now he was ſo timely inſtructed, and alſo, by experience, capacitated, and, withal, very good natured, and beloved, that, had he lived long, his reign had been the moſt happy and glorious that the Engliſh hiſtories could boaſt of. And whereas ſome of our barbarous writers call this awaking of the king's genius to a ſedulity in his affairs, a growing cruel, becauſe ſome ſuffered for notorious treaſons, I muſt interpret their meaning; which is a diſtaſte, becauſe his majeſty was not pleaſed to be undone as his father was; and, accordingly, ſince they failed to wound his perſon and authority,

they fell to wounding his honour. But more of this in the Examen.

The king's ſickneſs, demiſe, and falſe report of his being poiſoned.

I am now come to that moſt funeſt alteration of affairs, by the king's ſickneſs and death; of which I ſhall mention only what took in his lordſhip and his miniſtry, leaving the hiſtory, more at large, to the Examen. The attack was at the levee, when the room was full, and phyſicians in waiting; and then the king fell back in his chair; with ſome exclamation, as one that dies ſuddenly. The phyſician ſtraight blooded him in the arm, and he recovered a little life and ſenſe, and ſo was conveyed to his bed, where he languiſhed about a week, and then expired. The privy council ſat almoſt continually in the next room, and the phyſicians paſſed to and fro, as occaſion required, to give them ſatisfaction of the king's caſe, and their methods. His lordſhip never came from the council but in a profound melancholy; for, from the beginning, he ſaw no hopes of his life to continue long. He told us, that, obſerving the diſcourſe of the doctors to run all upon indefinites, what they obſerved, their method intended, and ſucceſs hoped, and the like. —— He ſaid to them, *That theſe matters were little ſatisfaction to the council, unleſs they would declare in the main, what they judged of the king's caſe; whether his majeſty was like to recover, or not.* But they would never be brought to that;

all lay in hopes. But one day they came into the council, and had ſuch chearful countenances, that their lordſhips thought ſome good news was at hand. The buſineſs was to acquaint their lordſhips that now, all was like to be well, for the king had a fever. At this his lordſhip ſtarted, and *Gentlemen*, ſaid he, *what do you mean? Can any thing be worſe?* One anſwered that *now they knew what to do. And what is that?* replied his lordſhip. The doctor ſaid, *To give him the cortex.* And ſo they proceeded whilſt life laſted. I am not to enter into all the fatal circumſtances, and libellous reports ventilated abroad upon this diſmal incident: but ſhall touch one, which was, that the king's ſickneſs was the effect of poiſon, to make way for the ſucceſſion. There are many reaſons, againſt this, to be found in the Examen; and therefore ſhall mention here only what I obſerved of his lordſhip, which weighs with me as much as any thing; and that is his lordſhip's never ſuſpecting, or mentioning ſuch a thing; as he would have done, had there been reaſon. And if any perſon about the king, on the Proteſtant ſide, had, in the leaſt, ſuſpected ſuch foul play, his lordſhip would have had an intimation of it; which I believe he never had; nor did it enter into his thoughts, no more than it appeared in his diſcourſe. But, with the death of this good maſter and ſovereign, all his lordſhip's joys and hopes

periſhed; and the reſt of his life, which laſted not long after, was but a ſlow dying.

The ſtate quietly ſettled in the ſucceſſion of King James II. Some repartees.

It pleaſed God that the temper of the nation was, at this time, ſo univerſally ſettled in loyalty (ſaving only the very dregs of a malevolent party) that there was no apprehenſion of any diſorder, either during the king's ſickneſs, or after his demiſe; but, on the contrary, almoſt every living ſoul cried before, and at, his deceaſe, as for the loſs of the beſt friend in the world. The remembrance of which, other notices apart, makes it wonderful to me, that have lived into ſucceeding times, to hear this good king's reign referred to as a touchſtone of tyranny. But no more of that. The next work was for the council, and great men in and about London, to meet and order the proclamation of the ſucceſſor King James II. which was done the ſame day; and then all the great officers waited upon his majeſty, and rendered their ſeveral offices and charges into his majeſty's hands, and he returned them back to them again. After this, the proclamation iſſued to continue all country commiſſions, and authorities whatſoever, till farther orders ſhould be taken; and ſo, in a few hours, the government was upon wheels again, without any concuſſion at all; which ſucceeded according to the known law of the Engliſh monarchy, viz. that the king never dies; whereof the virtue may be ſenſible to thoſe who have

felt a republick. I remember his lordſhip told us that a great man of the new court, in a bantering way, attacked him; and *What is the reaſon*, ſaid he, *that you lawyers ſay the king never dies, and we are now conſidering how to order the king's funeral?* His lordſhip anſwered quick *that, by law, it was not the death, but demiſe of the king.* Which, by the way, was a law banter back upon him; and ſo fools are often anſwered in their folly. How neceſſary it is for a courtier to be expert at repartee, I may ſhew by one inſtance. After this demiſe of the king, and the duke's acceſſion to the throne, the Lord Rocheſter bore the greateſt ſway in the court and treaſury. His lordſhip and that lord were once conſulting about meaſures to be taken in preferring men to places of truſt and management in offices under the crown: and his lordſhip was for taking in thoſe who had been bred in the buſineſs, and had gone through the ſervile part of the offices, and were gradually come up to the ſtation of directing others, as moſt like to ſerve profitably; for none could underſtand the buſineſs better than they. The Lord Rocheſter was for preferring Tories and High Fliers, whom he called the king's friends, for encouragement of others; and *G—ds w——ds, my lord*, ſaid he, *do you not think I could underſtand any buſineſs in England in a month? Yes, my lord*, anſwered the lord keeper, *but I believe you would un-*

derſtand it much better in two months; which made a full cloſe of the argument.

The difficulties about collecting the life revenues.

After this happy inauguration of the government, the firſt great matter, that came forward to be wiſely determined by his majeſty's council and miniſtry, was to ſettle the collection of the tonnage and poundage, and other duties given by parliament only for the life of King Charles II. and by his demiſe, in all legal ſenſe, determined: about which, the difficulties ſeemed almoſt inſuperable. The valuable merchants of London came to the commiſſioners of the cuſtoms, and entreated of them that the cuſtoms might be gathered as formerly. *Otherwiſe we,* ſaid they, *that have great ſtocks in our warehouſes, for which we have paid cuſtom, are undone; for the unfair traders, and runners, and ſuch as come in before the duties are recharged, will underſell us, as they well may, paying no cuſtom. There is no doubt but the parliament will give the cuſtoms for the whole time; and why ſhould they not be collected in the mean time?* The commiſſioners were careful not to do a thing, however reaſonable, ſo obnoxious as that was; for the levying money of the ſubject, without any law to warrant it, was a caſe utterly defenceleſs in parliament; and they would not ſtand in the gap to be buffeted, in caſe any members ſhould ſtir up a charge upon them for ſo doing. Therefore, deſigning to diſengage the thorn, and fix it in the

foot of their ſuperiors, they attended the treaſury in a body, and made a repreſentation of the requeſt of the citizens, their reaſons, and the undoubted ill conſequences to the king and people, if the revenue of the cuſtoms was not collected, and prayed their lordſhips' directions how they ſhould behave themſelves in the matter. There ſat Lord Godolphin, Sir Dudley North, and other judicious perſons commiſſioners. They ſaw the intent of theſe gentlemen, which was to ſcreen themſelves by their order; wherefore, calling them in, they told them that they were his majeſty's commiſſioners for collecting the cuſtoms, and had all the laws, touching the revenue, before them; which laws they would do well to peruſe carefully, and govern themſelves accordingly; and that was all the anſwer they could give them. This was cold comfort; but ſoon after, the buſineſs preſſing, the king laid it before the council, and demanded their advice what would be the beſt method for managing this affair. The Lord Chief Juſtice Jeffries moved that his majeſty ſhould cauſe his royal proclamation to iſſue, commanding all officers to collect, and the ſubjects to pay the revenue, as formerly. My Lord Keeper North was not of opinion that to iſſue ſuch a proclamation, at this time, would be for the king's ſervice; becauſe it would have the worſt turn that ſuch an affair could take; that is giving a direct handle to his majeſty's

enemies to ſay, that his majeſty, at the very entrance upon his government, levied money of the ſubject without act of parliament. There was no doubt but the parliament would renew the act as full as before; and, if the collection might be carried on without ſuch miſconſtruction, it were better. Therefore he propoſed that the proclamation ſhould require the duties to be collected, and paid into the Exchequer, and that the officers of the Exchequer ſhould keep the product, returned, ſafe, and apart from other revenues, until the next ſeſſion of parliament, in order to be diſpoſed of according as his majeſty, and the two houſes, ſhould think fit. One would have believed this expedient plauſible enough, and calculated to obviate the ill uſe a repulluleſcent faction might make, if the other way was taken. But, it ſeems, this was too low and trimming for the ſtate of the court at that time, and a poſitive proclamation iſſued. The temper of the publick was, then, ſo propitious to the crown, that almoſt any thing would be borne with, which, in other times, would have raiſed a flame. All which was owing to the recovery in the predeceſſor's time, which, as a force impreſſed, carried the humour deep into the next reign; though the moving cauſe was, in great meaſure, loſt out of men's minds. Thus was the grand revenue, by law precarious, put into a way of being collected, and

anſwered, by virtue of a direct proclamation.

The next great incident was the ſummoning a parliament; and, accordingly, writs iſſued returnable Feb. 1684-5. All people intereſted themſelves, one way or other, to procure or diſappoint, elections: and the court was not idle; his lordſhip got as many of his friends and relations to be choſen as he could; in which, beſides his own influences, he had the nomination to ſome of the king's boroughs. Thoſe, who came in by his recommendation, were, for the moſt part, gentlemen of honour and eſtates, as well as credit, in their countries; ſuch as Sir Henry North, and Sir George Wincve in Suffolk; Mr. Robert Foley, and others I might name, whoſe memories are reſpected, in their countries, at this very day. And, to make the attendance eaſy to theſe gentlemen, whoſe concerns were in the country, he took diverſe of them to rack and manger in his family, where they were entertained while the parliament ſat. His lordſhip's deſign was to have the parliament truly church of England Proteſtants, and loyal to the crown; which character he thought apteſt to eſtabliſh the religion and laws of the kingdom, and to reſiſt all attempts of altering any of our fundamentals in church and ſtate. And he was not happy in not ſeeing it diſſolved: for he died before that happened. It may be his wiſdom and fore-

The parliament ſummoned and met. His lordſhip prepared to ſpeak at the opening, but not permitted.

ſight might have prevented that fatal ſtroke. But that was not to be accounted the only ſtate error which his death made way for; ſince it is well known how precipitouſly they flowed in one after another, as ſoon as he was gone. How far his lordſhip concerned himſelf to keep the king in a way of uſing parliaments, and for the preſerving this, with his reaſons, will be ſhewn in a proper place. His principles and reſolutions, firm to the national eſtabliſhment, were ſo well known at court, that he was not truſted in any important ſtep that was made. He conſidered well, that, at the meeting of this parliament, it was his office, and had been formerly the uſage of the great ſeal, to declare at large the cauſe of calling, and the king's pleaſure to the parliament; and he had framed a ſpeech * to be made at the opening,

* For the encreaſe juſtification of his lordſhip, and in order to demonſtrate the ſincerity and uprightneſs of his intentions, I have thought fit to ſubjoin the ſpeech itſelf, as it was found among his papers. It is as follows:

A ſpeech prepared for opening the parliament 1 Jac. II. in caſe the king had commanded it, and had not taken the whole upon himſelf.

My lords and gentlemen,

The cauſes of ſummoning every parliament, expreſſed in his majeſty's writs, are certain. The writs, by which you are called to attend his majeſty for the holding this parliament, expreſs the cauſe of ſummons in the uſual manner for certain weighty and urgent affairs concerning the king and ſtate, and the defence of his kingdom and the church of England.

and calculated it to the happy genius of the aſſembly, as he underſtood it, tending all to a continuation of ſettlement of peace,

If at any time there ariſe weighty affairs, and if at any time they are urgent, it is at the entrance of a king upon his government. For that is the time upon which both king and people make a judgment of their condition. If the beginnings prove auſpicious, they give aſſurance of a ſerene and happy reign.

It hath pleaſed Almighty God hitherto to bleſs his majeſty with proſperity. His acceſſion to the throne was calm and peaceable, notwithſtanding all the former threats of faction; and the people have, not only ſubmitted to him according to their duty but, with great zeal given early demonſtration of their affection, by waiting upon him from all parts, with addreſſes and congratulations; and none have departed without entire ſatisfaction by thoſe gracious expreſſions of his goodneſs, which his majeſty was pleaſed to make them.

The coronation was ſolemniſed with an univerſal joy and acclamation, and had the moſt numerous and ſplendid attendance of the nobility that any age hath ſeen.

Nothing can equal the luſtre of it but the ſolemniſing of this day, when it is truly ſaid the king is ſeated moſt high in his eſtate royal, being attended by his three eſtates, whoſe advice and aſſiſtance makes him the greateſt prince in Europe.

And this day is no leſs auſpicious by the appearance of ſo many perſons of eminent and conſtant loyalty, who have, in all times of difficulty, given abundant teſtimony that they can never fail the ſervice of the crown.

May the good omens be continued to his majeſty, not only in this happy meeting between him and his people but, through the whole courſe of his reign, to make him the greateſt and happieſt of princes.

If we look back a few years, and conſider to what diſtreſs the crown was brought by the power and inſolence of faction, which was grown to that formidable height that it had almoſt taken poſſeſſion of the government, had overſpread the kingdom, and by its falſe arts, and the activity of its emiſſaries, prevailed, not only in the choice of magiſtrates but, to bring the moſt violent of

and reſiſtance of innóvation. In which ſpeech he had employed more of oratory than I ever ſaw in any thing he had, on any

their party into the houſe of commons, whereby to render parliaments, the moſt firm and powerful ſupport of the crown, uſeleſs.

It was hardly ſafe to ſpeak in defence of the king whilſt treaſon was talked in the ſtreets, and the faction openly provided arms, and every day threatened rebellion.

I ſay, when we look back upon the dark face of thoſe times, and conſider the change that hath been wrought in theſe few years, we muſt attribute the felicities of this day to the providence of God Almighty, who ſtilleth the raging of the ſea, and changeth the hearts of men.

It muſt be acknowledged to be his doing, for it is marvellous in our eyes.

It is he, and he only, that could bring ſuch a ſudden confuſion and deſertion upon the king's enemies by his ſignal providence in diſcovering their infernal deſigns of aſſaſſination, maſſacres, and rebellion; whereby all good men were brought to an utter deteſtation and abhorrence of them.

When we were newly delivered from this danger, it pleaſed God to deject us by a more ſad calamity, in the ſudden ſickneſs and death of our late gracious ſovereign, under whoſe merciful reign we had lived in a moſt happy condition, and upon whoſe life our peace ſeemed to depend, the faction having openly threatened to fly to arms againſt his rightful heir.

But it pleaſed God quickly to diſpel our grief, and to raiſe our drooping ſpirits, by ſhewing us the ſame excellencies, the ſame princely virtues in our moſt gracious ſovereign, and all the aſſurance our hearts could deſire of an happy government.

And at the ſame time to diſpirit the king's enemies, who had maliciouſly repreſented the proſpect of his reign in the moſt odious manner they could deviſe, as a ſcene of cruelty and all the evils imaginable, ſo that they ſaw it in vain to take up their former pretences of being patriots, they thought it more ſafe to lie hid, knowing themſelves odious to the people whom they had ſo

other occaſion, performed. He ſhewed us this ſpeech, being what he was minded to ſay; but withal, declared he would not utter

abuſed by their abominable lies in traducing the beſt of princes.

Their diſappointment, their diſgrace, their confuſion, will be no ſmall part of their puniſhment; and may they go on daily from one degree of deſpair to another. Let them burſt with envy to ſee this happy day, this happy meeting of the king and his people. Let them ſee all the mutual endearments that can paſs between a moſt indulgent father of his country, and a moſt loyal parliament.

His majeſty hath this day already done his part towards it by his gracious expreſſions of ſo much tenderneſs for his ſubjects, ſo much care of thoſe things that are moſt dear to them, their religion and their laws.

And I dare ſay there will be no failure on your parts to complete this good correſpondence by making a ſteady and publick demonſtration of that duty and affection which is in your hearts.

You may look upon the gracious promiſes you but now received from his majeſty as conceſſions made in full parliament, as laws which his majeſty hath given himſelf, which will be more binding and effectual than any that can be propoſed to him.

Never therefore let our church of England, fear to want ſupport, when he hath ſaid he will defend it. Never let any man entertain the leaſt jealouſy of arbitrary government, when his majeſty hath declared againſt it.

What ſuitable return can we make for ſo much goodneſs? Let us give him freſh and powerful inſtances of our loyalty, that may confirm the good opinion he hath expreſſed of his church of England. That may make him love parliaments, and redeem that credit which the violence and unreaſonableneſs of the commons have of late impaired.

Let us ſhew to all the world that we love our king, that we truſt him, that we ſhall never be wanting to his ſervice. This will deter all unquiet ſpirits at home from troubling our peace, and will give his majeſty that reputation in foreign parts, that will make him arbiter

a ſyllable, of which he had not the king's allowance at the cabinet council. But the policy of the court was ſuch, that all this

of the affairs of Chriſtendom; an honour the people of England always deſired their princes ſhould have.

My lords and gentlemen,

The ſummer advanceth ſo faſt, that you may be in ſome pain to think that you cannot have time to bring to perfection thoſe things which may be needful, and you ſhould do for the king's ſervice. I would therefore recommend to you to take up thoſe things which are moſt plain and eaſy of diſpatch, which is to look into thoſe laws which are expired of late; laws ready drawn, already put in practice (it will be a ſhort work) ſuch of them as you have found uſeful.

But your firſt and chief care ought to be of thoſe laws which concern the king's revenue; by the continuance whereof, you will eſtabliſh him in the ſame condition with the late king, in whoſe throne it has pleaſed God to place him.

There are other laws expired which were of publick conſideration for maintaining the peace, and ſuppreſſing ſedition, which will deſerve your particular regard. Though, God be thanked, faction is now low, and out of countenance, we muſt not deſpiſe it ſo as to neglect to make wholeſome proviſions againſt it. We may be ſure it will begin to creep again upon the leaſt warmth, and will loſe no opportunity of troubling our peace. We ought therefore to keep a watchful eye over it.

And above all things, we ought to be careful that it gain no footing within theſe walls, by creating diviſions amongſt us, or reviving that abſurd diſtinction between the court and the country party; as if the king's and his people's true intereſt were not the ſame.

Let it be always a maxim in parliament, that what is given for the ſupport of the king and his government, is beſtowed for the people's benefit; and that propoſing laws for the convenience of the people, is a ſervice to the crown. And therefore you may aſſure yourſelves that what bills you ſhall prepare and tender to his majeſty for

proved labour in vain. He was not truſted to ſpeak to the parliament, but the king took it all upon himſelf; and he made his own ſpeech; at leaſt the lord keeper had no hand in it. For he was not ſo much as conſulted about either the matter, or expreſſions, the king intended to uſe; as one may well judge by the unguarded tenor of it. The private conſult knew that his lordſhip could not forbear commending and recommending what of the conſtitution they deſigned to alter.

When the parliament was met, and qualified to do any buſineſs, all the revenue matters were diſpatched to the king's content, and a ſupply was given of a half-penny per pound upon tobacco, and a farthing upon ſugars; very ſmall with reſpect to what hath been given ſince; but it made a greater ſtir, and had more oppoſition in parliament, than any later revenue or ſupply bill ever had; and, upon voting the ſupply, and charging it ſo to be levied, it was cried out upon, as if it had been a ſurrender of

The life revenue ſettled; a duty ½ on tobacco, and ½ upon ſugars per pound, and the brigues about it.

the advancement of trade, the eaſy and ſpeedy adminiſtration of juſtice, detecting frauds, ſuppreſſing enormous crimes, or any other matters that conduce to the happineſs or eaſe of the king's ſubjects, will receive a moſt gracious anſwer.

For it will always be the intereſt of the king, that his ſubjects ſhould live happily; and the greatneſs and proſperity of the king, will always be the ſafety and ſatisfaction of the people.

I have it further in command, &c.

liberty and property. *For*, ſaid ſome, *we ſhall enable the king to raiſe and pay an army to enſlave us: doth he not talk of his armies in his ſpeech?* And the merchants, who, for the moſt part, chimed in with thoſe oppoſers, declared the trade would be clogged and ruined. The grocers declared they would throw up, and not deal in thoſe commodities: inſomuch that my Lord Rocheſter was frighted, and was inclined to fall off from this, and to buſk for ſome other way to raiſe the ſupply. It ſeems that, to anſwer theſe clamours, the tax was ſo qualified, that it muſt needs lie upon the inland conſumption only, and not affect the exportation; and, for that end, a drawback of the duty was given upon all tobacco and ſugars exported. This did not ſatisfy; and the traders clamoured no grain the leſs; and when men look grave, and object, though without reaſon, folks are apt to think them in earneſt. On the other ſide, Sir Dudley North, a commiſſioner of the treaſury, who managed for the king in the houſe of commons, and other intelligent merchants, told the Lord Rocheſter that all this noiſe was knavery, and there was nothing in it; and, at a meeting of the grocers at my Lord Rocheſter's, made it plainly appear to be ſo; as will be ſhewed more particularly in the courſe of that gentleman's life.

Refuſal to qualify officers in the

The firſt overture of ſetting up the diſpenſing power, was in this firſt ſeſſions of

the parliament; for the word *army*, in the ſpeech, gave great offence. But what gave more, was an attempt to indulge the military officers to act without qualifying themſelves according to the teſt laws. By this attempt in parliament, and other more private prognoſticks, his lordſhip perceived a diſpoſition in the interior court, to decline parliaments, and rely upon an army; for which deliberation they had but too much encouragement by Monmouth's rebellion, which broke out during this firſt ſeſſion of parliament. The loyal and honeſt temper of the parliament, appeared in nothing more than in their behaviour in this point. After much debating, they ſhewed a diſpoſition, by a particular law, to qualify any perſons the king ſhould in particular nominate to them: But that would not be accepted; which, on the one ſide, was a great overſight, and, on the other, a great eſcape; for the members had incurred no little infamy abroad, by conſenting to enact even ſo much as that was. And as for a general qualification, that is, a repeal of the teſt and penal laws in military caſes, it would by no means be agreed to: and upon that point, in the end, the parliament was broke; as the accounts of the cloſetting, afterwards, make plain. I have no more to relate of this parliament, in which his lordſhip preſided, as ſpeaker, upon the woolſack, an employ moſtly taken up with forms. Only the buſineſs of

army, and his lordſhip's ſtopping the proceeding of Jeffries in the Weſt.

appeals, from ſome of his decrees, was faſtidious; becauſe Jeffries affected to let fly at them, as if he would have it thought that he was fitter to be chancellor. During this ſeſſion of parliament Monmouth landed, and all the acts, that could be thought of, ſignificant againſt him, were paſt; as attainders, &c. After he was beaten at Sedgmore, the Lord Chief Juſtice Jeffries performed his memorable expedition in the weſt, armed, not only with a commiſſion of Oyer and Terminer, but alſo, an authority to command the forces in chief, as general of the weſt; for ſo he was ſtyled. Upon the news returned of his violent proceeding, his lordſhip ſaw the king would be a great ſufferer thereby, and went directly to the king, and moved him to put a ſtop to the fury, which was in no reſpect for his ſervice; but, in many reſpects, for the contrary. For though the executions were, by law, juſt, yet never were the deluded people all capitally puniſhed; and it would be accounted a carnage, and not law, or juſtice: and, thereupon, orders went to mitigate the proceeding: but what effect followed, I know not. I am ſure of his lordſhip's interceſſion to the king on this occaſion, being told it, at the very time, by himſelf.

The buſineſs of the coronation, and his lordſhip's

At this time, the ſolemn coronation of the king and queen was promulged; a committee of council to ſettle the formulary,

and a court of claims erected by commiſſion; in which his lordſhip, as chief, gave the rule. At the former, the archbiſhop of Canterbury and his lordſhip had ſome difference. The archbiſhop, as the council thought, ſpun too fine; for that was his way; and he would not abate one ſcruple of what he thought his duty, which made them think he trifled; and my Lord Halliſax ſaid his name ſhould be *Sede Vacante.* However, all ended ſmooth and well. And here I muſt introduce a diſmal cataſtrophe; which was his lordſhip's ſickneſs and death. All theſe loads of the death of King Charles II. the managing in order to the coronation, and the parliament, and ſitting there to hear his decrees moſt brutiſhly and effrontuouſly arraigned, which he muſt defend with all the criticiſm and reaſon, as well as temper, that he could, by ſtreſs of thought, muſter; beſides the attendances at court and council, where nothing ſquared with his ſchemes, and where he was, by Sunderland, Jeffries, and their complices, little leſs than derided; to all which the diſpatch of the chancery buſineſs is to be added, where, for want of time, all run in arrear; which ſtate of the court was always a load upon his ſpirits. All this was more than enough to oppreſs the ſoul of an honeſt, cordial, man; and I verily believe it did that to his lordſhip, which people mean when they ſay that *his heart was broke;* but I gueſs that, with him, it was rather his head than his heart. Some

ſickneſs, with ſome peculiar circumſtances.

time before the parliament roſe, I had notice brought me in the morning, that my lord keeper was taken deſperately ill. I got ready as ſoon as I could, and, coming into his chamber, and to his bed-ſide, he looked at me and ſaid, *Will you believe I am ill now?* I was one that uſed to rally upon his fancies as to health, as if he ailed nothing; and truly, for the moſt part, I was in the right; for he was inclined to the ſplenetick. But now it was plain he was in a very bad caſe. He was taken, in the night, with a very bad cold, that obſtructed all the paſſages on one ſide of his head, and he had very great pains there, and, withal, a fever. The afternoon before, he was not well, but made no ſhew of it. The barber trimmed him, and, being uneaſy, he thought he never would have done; and the image in his dream, at the acceſſion, was of the barber's hand patting his cheek with cold water till it was numb. And, after he was awake, that thought ſtuck in his mind, and he could never ſhake it off as long as he lived, which was not above four months after: and he would often inveigh againſt the barber's impertinence, which he ſincerely thought gave him his cold. Let all, that reflect on non-ſanity of mind, obſerve that it hath its degrees and importances, and that corporal inflictions ſhall impreſs ideas which ſhall ever after remain involuntary; if about trivial things, they are conceit and fancy; if important, madneſs. For in the extremity of fatuitous madneſs, there is

nothing to be found but the conſequences of error and credulity, by what means ſoever, whether pride, fright, fever, love, &c. impreſſed at firſt. But, to return to his lordſhip, his family phyſician, Dr. Maſters (who was bred under Dr. Willis, and introduced by him) was ſent for; and he ordered phlebotomy, and, having directed his diet, expected what turns the diſtemper would take, and watched him carefully and continually, in order to farther preſcription, as reaſon might require. And thus the man might have had fair play for his life; for who is exempt from fevers? and it is but ſome, not all, that have them, die. Thus he lay reſtleſs, under a burning acute fever, without any notable remiſſions, and no intermiſſions. This dangerous ſickneſs of the lord keeper being known about town, all the accuſtomed impertinences, of meſſages and viſits, were acted, but kept from the ſick man, to whom they were of ſmall profit. There were ſome relations, and particularly Sir William Soams, a ſort of brother-in-law, who were much concerned about his phyſician; he was too plain a man, and not in top practice, and but one: and it was abſolutely neceſſary that ſome other famed doctor ſhould be called in, ſaying, *A man of his lordſhip's diſtinction, ought not to be truſted with one phyſician.* People will ever be fond of doctors, as Popiſh zealots are of ſaints, and think that the power of life and

death is in their hands. Whereas, generally, the practice is common to all; and, when they ſwerve, and are ſingular, it is as much for death as preſervation. But hereupon Dr. Short was ſent for, who, finding his lordſhip in an acute fever, approved of what had been done, and, to qualify his preſcription, ſaid *that a man of his value, was not to be truſted with a fever.* So to work he went with his cortex to take it off; and it was ſo done; but his lordſhip continued to have his head-ach and want of ſleep. They gave him quieting potions, as they called them, which were opiates to make him ſleep; but he ranted, and renounced them as his greateſt tormenters, ſaying *that they thought all was well if he did not kick off the cloaths, and his ſervant had his natural reſt;* but all that while, he had axes and hammers, and fireworks in his head, which he could not bear. All theſe were very bad ſigns; but yet he ſeemed to mend conſiderably; and no wonder, his fever being taken off by the cortex.

His lordſhip's amendment by the cortex, did buſineſs, and much diſabled by a ſlow hectick.

All this while the parliament was ſitting, and the buſineſs of the coronation attended his coming abroad, and he, having an impulſe in his nature to diſpatch whatever belonged to him to do, ventured out before he was, in any competent manner, heathful; and ſat in parliament, diſpatched all the claims, attended the council, and the committee for the coronation, and did what he could in the Chancery, and, what was more,

paid his laſt duty to his maſter in walking at the coronation. And, as an inſtance of his lordſhip's caution in great matters, I muſt here take notice that he had his majeſty's ſign manual to order his not publiſhing a general pardon; which, ſometimes, men have thought belonged to the great ſeal to do of courſe. During theſe employments, every one, that ſaw him, ſaid he went about as a ghoſt, with the viſage of death upon him. Such a ſunk, ſpiritleſs, countenance he had. And yet his ſtrength of mind carried him through all; and his bearing the long fatigue of the coronation ceremony and walk, was really a wonder. Nor had it been ſtrange if one, with mortal wounds upon him, as he had, had dropped in the piazza. During all this time, his appetite was gone, and cookeries were provided in order to tempt his palate; but all was chip. We made his evenings as comfortable by ſociety as we could, with ſuch news as the town afforded, and all kinds of familiar chat, which was his greateſt delight when he was well. He found his ſpirits low, and thought to favour and erect them by a glaſs or two of ſherry, or Sandwich ale, after his no-ſupper. But the caſe of his fever was this: the rage of the diſeaſe, which was the effort of nature to throw off the venom that cauſed it, was taken down by the cortex; but the venom, then afloat, was let ſink into his conſtitution: and it is now found that, with-

out there be an intermiſſion of the fever, the cortex doth but engraft the venom to ſhoot out again more perniciouſly. And ſo, in his lordſhip's caſe, he had a ſeed of a malignant fever in him, which turned to a malignant chachexy, kindling and burning in the centre of his very vitals, making little ſhew but in his pulſe, and a general pain, and continual uneaſineſs, languor, and want of ſleep.

His lordſhip's dejection and retirement with the great ſeal into the country.

While his lordſhip went about in this diſconſolate ſtate, it is eaſy to be conceived how little of comfort was his portion. He had no glimpſe of ſatisfaction, in the proſpect of future events, as to the nation at large (and how much he laid that to heart will be made appear afterwards) concerning which he had no fair expectation but what terminated in himſelf: viz. that, after having done the utmoſt that lay in his power to do, to obviate the impending miſchiefs, he might hope to have delivered his own ſoul. And his feveriſh diſeaſe growing upon him, his ſpirits, and all that ſhould buoy a man up under oppreſſion, not only failed, but other things, of a malign complection, ſucceeded to bring him lower: which may be fully underſtood by this circumſtance. He took a fancy that he looked out of countenance, as he termed it, that is, as one aſhamed, or as if he had done ill, and not with that face of authority as he uſed to bear: and, for that reaſon, when he went into Weſtminſter-Hall

in the ſummer term, he uſed to take noſegays of flowers to hold before his face, that people might not diſcern his dejection; and once in private, having told me this fancy, he aſked me if I did not perceive it. I anſwered him, not in the leaſt; nor did I believe any one elſe did obſerve any ſuch thing: but that he was not well in health, as he uſed to be, was plain enough. His lordſhip, in this ſtate, took a reſolution to quit the great ſeal, and went to my Lord Rocheſter to intercede with his majeſty to accept it; which had been no hard matter to obtain. But that noble lord had no mind to part with ſuch a ſcreen, and, at that time (as he told me himſelf) he diverted him. But his lordſhip perſiſted, as will be made appear afterwards by a letter. Whereupon the Lord Rocheſter obtained of the king that his lordſhip might retire with the ſeal into the country, and that the officers, with their concerns, ſhould attend him there, in hopes that, by the uſe of the waters, and freſh air, he might recover his health againſt next winter; when it was hoped he would return perfectly recovered. This was indeed a royal condeſcenſion, and ſingular favour to him.

His lordſhip's phyſicians ſent him down deſperate, and the waters of Aſtrop preſcribed.

During this mixture of diſeaſe and buſineſs in town, there was no want of phyſicians to attend upon, and preſcribe to him. They found he had a lent fever, which was growing up out of the dregs which the cortex

had left; and, if it were not taken off, they knew he would ſoon periſh. So they plied him with new doſes of the ſame, under the name of cordial powders, whereof the quantity, he took, is ſcarce credible; but they would not touch his fever any more than ſo much powder of poſt. And ſtill he grew worſe and worſe; no means would reſtore him any appetite. At length, the doctors threw up, and ſaid their medicaments had no effect, and his blood afforded him no kind of nouriſhment; and he had no way left but to repair to his ſeat at Wroxton, which was near to Aſtrop Wells, and drink thoſe waters, which they hoped would cleanſe his blood, and reſtore his decayed ſpirits. After this ſentence pronounced, we ſtraight packed up our alls, and made as full a family of relations as we could to divert him. The family phyſician went with us, and he had his cheſts of medicines, as if we were going a voyage to the Indies. We, that rode in the coach with him, had a melancholy journey; for he was hopeleſs of life to continue long, and of any comfort while it did continue, and declared expreſsly that this was to be his laſt journey. There were pillows, and all contrivances that he might be eaſy. He complained of no inconvenience in the journey, by jogging and toſſing, though he could not but feel a great deal; but his patience was extraordinary; and, as he had reſolved before-hand,

he made the ſame ſtages he formerly had been uſed to. We had a great rout attending, that belong to the ſeal, a ſix-clerk, under-clerks, wax-men, &c. who made a good hand of it, being allowed travelling charges out of the hanaper; and yet ate and drank in his lordſhip's houſe. I muſt own that, bating his lordſhip's illneſs, (which was bitterneſs with a witneſs) I never was in a more agreeable family. For it was full as a city, and with perſons of good value and converſation; all under the authority of one whom all revered; and, out of decency, as well as reſpect to him, not the leaſt intemperance, or diſorder of any ſort, committed. And what crowned all, was, firſt, the chief table almoſt filled with the deareſt of his lordſhip's relations, and the hopes that, ſometimes, were afforded us in the country, of his lordſhip's recovery.

His lordſhip's manner of living, and the various amuſements during his taking the waters.

The gentlemen of the country were very humane and obliging; for they all came and dined with him, and, with deference to his caſe, invited him. But his regimen permitted him to go no where; nor did his relations make many excurſions: but ſome he obliged them to, for excuſe for himſelf, where he had great reſpects. He took the waters in bed, for they did not agree with him up, and, in a week or fortnight's time, his urine, before diſordered, was rectified; and he had ſome appetite. Some of us would be ſaying to the doctor that there was

an apparent amendment; but he uſed to ſhake his head, and put his hand to his wriſt; and once, in plain terms, told us that, till he found amendment there, he had no hopes. I paſt as many hours alone with him as any one, and, after his old wont, he would ſpeak his very thoughts to me; and, when he reaſoned wrong concerning himſelf, I took the freedom to argue, as I thought, right. As in this inſtance; he ſaid his phyſician was extremely to blame, who was ſo much in his company, and did not put him under ſome regimen as might have prevented ſuch a fever as this was. *Nay*, ſaid he, *he ſhould have forced me to it, and not let me alone till I conformed.* I excuſed the doctor, and wiſhed he would conſider, that he muſt know how averſe he was to all medicinal regimen and phyſick, and if the doctor had obtruded any ſuch, he muſt have expected an authoritative rebuke; *and he would have feared incurring thereby the loſs of your good opinion.* This, and ſuch freedoms, he took in good part. Our courſe was, in the morning, to attend his lordſhip in his chamber with merry entertainment while he was drinking his waters; and then, being up, we, that took the poſt of being his architects, fell to meaſuring, mapping, and debating about our projects concerning his gardens, buildings, and plantations: and I cannot paſs by a diverting paſſage, one Mr. Barber, a neighbour, obſerved how buſy we were;

and, coming near to us where his lordſhip ſtood, *You may meaſure and meaſure,* ſaid he, *but my lord is not ſuch a fool as to be ruled by you.* His lordſhip, who had ſcarce laughed ſince he came down, could not hold at that. But we were reconciled to him after that, at the table, he had told a fine lady that *he had known her a heart-breaker for above twenty years.* It was very obſervable that our proceedings diſcovered plainly when his lordſhip thought well of himſelf, and when not; for, if he was in good heart, and thought he might recover, then he obſerved us narrowly, and would put in his oar, and like or diſlike, joining in the very much altercation amongſt us, as if he were a party concerned. But if he thought he could not get off, then he left us to ourſelves, and made no enquiry, or queſtion at all, upon what we were doing, and ſcarce would give attention when we ſhewed him our draughts. I remember I had laid out the plantation of his avenue, which was a wretched poſition; for the entrance was at one corner, and, not in the ſtreight. I had ſhaped a demilune before the court-gate, and at the farther end, a whole ſweep, with rows detached from that to the entrance. He put out my whole ſweep, and ordered the rows of trees to be refracted that way. At which I was very angry, and declared that no architect was ever ſo uſed as I was. This pleaſed him much; and he very often made a jeſt to his

company of this rant of his architect. Theſe were harmleſs amuſements, and beneficial to him, as much as any thing might be. After dinner, the coaches were uſually got ready, and, with his neareſt relations, among whom I was always one, he uſed to go to Edgehill to take the air: but I did not perceive any great gouſt he had in it; but it was adviſed, and that was enough. I once encouraged him to uſe the viol, and I would make a ſmall conſort to him, and he ſeemed to approve of the entertainment which uſed to be his idol. I thereupon tuned up a lyra viol, and a violin, and, having got ſome agreeable compoſitions, to work we went. The doctor eyed us well, foreſeeing what would follow; which was that his lordſhip ſcarce touched above a leſſon, before he laid down the inſtrument, ſaying, *He did not like that part, and the other he did not perform.* He began to be much concerned about his chair, and not ſatisfied with any; but one, above the reſt, which he uſed moſt, was privileged, and no one elſe offered to uſe it; for, as ſick as he was, he would ſuffer none to riſe and give way for him. Thus, with various amuſements, the heavy time, day after day, was got off hand, as well as with all the ſatisfaction to him that we could contrive. O what a difference between his own family, friends and relations, and the court!

His lordſh p's good

One thing was very remarkable in this

ſlow declining. All, that was peculiarly good in his humour, left him. He concerned himſelf ſtrangely about his œconomy, and the abuſes of it, and every thing ſhould be new-modelled, and his family reduced; and he, that was never ſo well as when his houſe and table were full, began to look upon us as inmates, and would needs go out, and take an account of his ſtables; and, coming into one that had four coach-horſes in it, he aſked whoſe ſtable that was? They told him Mr. Foley's. (He was a brother-in law, who, with his wife, his lordſhip's ſiſter, had been long in the family.) He had enough, and enquired no farther; only, as he returned, *Mr. Foley's?* ſaid he; *Very fine, indeed!* But, with all this diſcourſe of regulations, he ordered no one thing otherwiſe than before; and the ſame looſe houſe-keeping went on. And this decay of good humour, with his decay of ſtrength, encreaſed, to the laſt moment of his life; as will appear more expreſs in the ſequel. This may ſerve to demonſtrate that mortal ſickneſs is not found to be a time apt for friendly charity and good nature.

humour decayed with his conſtitution.

About the latter end of Auguſt, Sir Dudley North and I were in the coach with him, taking the air; and he was pleaſed to ſay that he had a will by him, and diverſe codicils, which he had made to ſuit the emergencies, in his family, as they had happened; and all theſe he would put into

His method of ſetting his laſt will, which he ſigned and publiſhed.

my hands, and I ſhould frame them all into one entire form of a will, which he would publiſh, and the others ſhould be revoked. This was the firſt word he ſpoke of any will; and none of us thought fit to mention any ſuch thing to him. Next day he gave me his papers, and I made a draught, which he approved of, without the change of one word; for indeed I uſed no words but what were his own, ſaving for mere form. This will he directed to be wrote ſheet-wiſe, and to be ready when he called for it; which was accordingly done. Now the late time of the year, for water-drinking, was come; and either the waters had not that virtue to dilute and inſpirit his blood as before; or elſe the doctor, and his correſponding brethren in London, thought fit he ſhould leave off drinking them; and, after that, he tumbled down apace. The doctor always uſed to ſhake his head at his urine, ſaying it was *ſimilis ſani*, or like to that of one that was well. But, now, it had a red caſt, as if ſome drops of blood were mixed with it; which was a ſure prognoſtick of death approaching. Once his urine ſtood in his view as he lay in bed, and the doctor, frowning at the water, bid ſomebody take it away. *No, let it alone*, ſaid his lordſhip, *I know (or feel) more than that ſhews.* When he was confined to his bed, he called for his will, which I brought; but he thought the ſheets were too many, and that he ſhould not have

ſtrength to ſign them all, and ordered one cloſer to be made; which I went about, and had done in leſs than half an hour; and, after it was read to him, and ſeals prepared, he ſigned every ſheet, and publiſhed it. And *Now*, ſaid he, *I am at eaſe.*

The religious adminiſtration to him. Dr. Radclif called in, and his lordſhip's death.

We had chaplains in the houſe, and conſtant prayers in a ſmall chapel, morning and evening, for the family; as ought to be in every great man's houſe, to ſay nothing of the leſſer: and, after his lordſhip was confined to his bed, ſo that he could not come to the chapel, the viſitation ſervices were uſed in his chamber, and, at length, he received the ſacrament with his relations by him; and then he was in a very deſperate way, not like to live many hours. It was the opinion of the people about him, and the doctor's deſire (who was the moſt afflicted man in the world) that Dr. Radclif, then in the neighbourhood, ſhould be called in; which was done, not that his friends expected any benefit but, to ſatisfy ſome of the living, who would not be convinced. The doctor came and, by his lordſhip's bedſide, he aſked him, I am ſure, no leſs than fifty queſtions; which was a great fatigue and trouble to him, and all that were in the room. The doctor had his fee, but not the ingenuity to ſay what he knew, viz. that there was no hopes, but talked of lungs being touched or not, which ſignified nothing. His lordſhip afterwards ſhewed much

diſcontent that he was not well attended; and if Sir Dudley North, or I, was abſent, he called it ſlighting him; and we were indeed glad, ſometimes, to eſcape for half an hour to breathe. This confirmed the approach of death, of which the not caring to be left alone is a conſtant ſymptom. He began to agoniſe, and be convulſed, and, by virtue of the doctor's cordials, lived longer than was for his good. After ſome ſtriving, he would lie down, and then get up again. He adviſed us not to mourn for him, yet commended an old maid-ſervant for her good will, that ſaid, *As long as there is life, there is hope.* At length, having ſtrove a little to riſe, he ſaid, *It would not do;* and then, with patience and reſignation, lay down for good and all, and expired, Sept. 1685. And about five or ſix days after, his funerals were ſolemniſed as he had directed by his will.

His lordſhip's executors carried the great ſeal, and gave it into the king's hands, at Windſor, who delivered it to the Lord Chancellor Jeffries.

In a few hours after his lordſhip's eyes were cloſed, and his will known in the family, which appointed his brothers to be his executors, all the officers of the ſeal, then in the houſe, after having laid their wiſe heads together, came in a body to know what the pleaſure of the executors was, touching the great ſeal; as if that had been a matter in danger of being overſeen. The executors immediately ordered them all to be ready the next morning, to go along with it to Windſor, where the king then was; and the

ſtate equipage being made ready for the executors themſelves, they took the ſtrong box, in which the ſeal was kept, and that encloſed in a ſilk bag, which was alſo ſealed with his lordſhip's ſeal. Such a ſacred thing is that peſtiferous lump of metal! The ſame night the executors arrived, they waited upon the king, who ſaid, *He heard that his lordſhip was much mended.* The ſeal was delivered in the bag (ſealed) into the king's own hand, who took the bag, and aſked if there was never a purſe (of ſtate) and it was anſwered that none was brought down. The king ſaid no more to them; whereupon the executors retired; and, as had been long before projected, the great ſeal was put into the Lord Jeffries's hands, with the ſtyle of Lord High Chancellor of England. And what effect that tranſition had upon the ſtate and welfare of England, let the ſucceeding times ſpeak.

His lordſhip uſed to be continually peſtered with penny poſt letters, impertinent, and faſtidious to read over. Againſt this diſeaſe he found an effectual remedy; which was by appointing all ſuch letters to be carried to the faithfulleſt of his ſervants, and ſeal-bearer; and ordering him to open and read them, and thereupon to judge if they were fit for him to ſee, and then ſhew, elſe, to burn them. This immediately put a ſtop to that evil. It had been uſual, heretofore, for all writs to bear teſt where the lord

Diſpoſition of his penny poſt letters.

Would not have the writs bear date *apud Wroxton.*

keeper reſided, though the king was not there; which was looked upon as a mark of honour to their families upon record. But his lordſhip, thinking it a mere vanity, ordered none to bear teſt *apud Wroxton*, but *apud Weſtmonaſterium* only.

His lordſhip eager for the ſtudy of records.

His lordſhip became extremely fond of the public records, and promoted the ſtudy and inſpection of them all he could. At the beginning of his buſineſs, he had no means of application that way. The books of the law were the field from whence his harveſt accrued: and the learning of records is ſpeculative, and tends to the accompliſhment of a lawyer, more than his direct profit. But it is a moſt reaſonable ambition, and was firſt ſeen in Mr. Noy. The Lord Coke took a little that way; but his ſkill was more pedantic than penetrant. Afterwards, a ſet of men grew up, who addicted themſelves to that ſtudy with leſs oſtentation; as Rolls, Windham, Jones, Glin, and Hales; more eſpecially the latter. When his lordſhip began to be at eaſe in his ſeat of chief juſtice, he looked earneſtly that way, but had not a full accommodation till he had the great ſeal; and then, by means of his authority, he could command copies of what he thought fit; and accordingly, he had procured all the rolls of parliament, and was proceeding with the journals of the houſe of lords, and indexes of the various ſorts, that he might ſend for what he had a mind to conſult. He

could not purſue this ſtudy before he was made chief juſtice, becauſe, when attorney-general, all his time was devoured by the king's buſineſs, and a mountainous practice in Weſtminſter-Hall and elſewhere. But, from that time, he dated a ſort of liberty, in which ſtate he might enjoy himſelf, by purſuing ſubjects as his fancy prompted; and towards the end of his law, and the beginning of equity, he ſcarce minded, ſeriouſly, any thing elſe; and, from dealing with books and epitomes, ſuch as Ryley and Cotton, &c. he came to the records themſelves, eſpecially thoſe of the parliament; and he had no ſooner a power to command the officers, but he obliged them to tranſcribe for him all thoſe which are properly called, *the records of parliament;* which compoſe about fifteen volumes in folio. Thoſe were brought him, atteſted by the officer: and he continually called for more; whereof the ſheets, which make up a great part of another volume, were left by him not complete. When a queſtion bore upon the records of any ſort, he always had true copies brought him; for he did not ſettle in himſelf any opinion, till he had viewed the original authority. He was procuring all the journal books of the houſe of lords (which began about Hen. VIII. when ſtat. rolls entered) and had ſome volumes complete. And all theſe compacted volumes now remain with the Lord Guilford. As for the journal

books, he immediately made his chaplain make extracts of them under heads, that he might have a ready recourſe to ſpeeches, addreſſes, anſwers, &c. But the old records were French, too hard for them; and thoſe he intended to abſtract, or rather epitomiſe, with his own hand, and had made a beginning. It appears that he had deſigned, out of thoſe, and all other our records and hiſtories, to remark the various cotemporary acts, and to note his own obſervations of the times as he went along. And, as a fruit of this ſtudy, he had begun to compoſe an hiſtory of parliaments. And I cannot but lament that it was not completed. He found that the factious lawyers, and particularly Mr. P. Foley, were very buſy in ferretting the muſty old repoſitaries, with deſign to produce in parliament what they thought fit, to the prejudice of the crown and its juſt prerogatives. And they accordingly did ſo; for they conferred with the bellweathers of the party in the houſe of commons, and frequently alledged paſſages in the records of parliament, and certain exotick caſes, extracted chiefly from thoſe in irregular times, when the crown had been diſtreſſed and impoſed upon; and done, not only partially but, often untruly, and always defective. By which means they ſuſtained their anti-monarchic inſinuations and pamphlets. The other party were not ſo well able to deal with them at theſe weapons,

becauſe they were not ſo induſtrious. His lordſhip, upon good information taken, partly, from ſome of their own collections, and from Mr. Ryley's Placit. Parl. and Sir Robert Cotton's Abridgment, and other opportunities, was clearly of opinion that a publick view, of all the records of ſtate and parliament, would be for the advantage of the monarchy; for what theſe gentlemen produced was partial, and miſtated; and the ſame, ſet entirely in open view, would have another tenor and effect. Therefore he was clearly of opinion that the whole ſhould be made publick in print: and, by that, the crown would have more juſtice; for men, who had been impoſed on, and had credited the others, having acceſs to the books of the records, might rightly inform themſelves, by means of their application and ſtudy, which they could not do by ſearching the offices; a drudgery for which only a few are competent. And, purſuant to this deſign, his lordſhip actually began to put the huge maſs into ſome order and method, to be propoſed to undertakers, who were to have encouragements that might invite them. But this work required long and quiet times; neither of which fell to his lordſhip's ſhare after he had the great ſeal, by which only he was capable of forwarding the work.

His lordſhip's miniſtry, under King James II. was leſs difficult, but more mortifying, than under King Charles II; for, then, all

His lordſhip eaſy as to publick truſts on his part.

And the ſtate of his dependance on the king.

the weight of forms and legalities, and, conſequently, the warding againſt cavil and captiouſneſs, lay upon him. He was relied upon, and, being obnoxious to all diſſenting parties, muſt act at his peril. But now, as he was a perſon determined to be laid aſide, he was not relied upon in any thing, but was truly a ſeal keeper, rather than a miniſter of ſtate, and kept on for diſpatch of the formularies, rather than for advice, or truſt. It was well known that he would not put the ſeals to any commiſſions to perſons unqualifiable, with a *non obſtante* to the teſt laws; and, for that reaſon, none ſuch were brought to him; but, after he was gone, his ſucceſſor (by antecedent compact, as was ſuppoſed) paſſed all. His lordſhip was ſo ill uſed at court by the Earl of Sunderland, Jeffries, and their ſub-ſycophants, that, I am perſuaded, if he had had leſs pride of heart, he had been tempted to have delivered up the ſeal in full health. But he cared not to gratify, by that, ſuch diſingenuous enemies. Another weightier reaſon kept him in awe as to that; which was point of honour: for he would not willingly have caſt ſuch a publick reflection upon his royal maſter, and his government, as the deſperate *innuendo* of ſuch an action had been. He intended to ſtay till the king would bear him no longer, and then make it his majeſty's own act to remove him. His lordſhip owed his firſt promotion, by being made the king's counſel

at law, to the favour of his majeſty when Duke of York; and, in the whole courſe of his riſing, the duke was his friend: and, at this time, amongſt ſuch a circle of ſycophants, as were about the king, without a ſingular tenderneſs of his majeſty towards him, he muſt needs have been diſgraced over and over. But the king believed him to be an honeſt man, and always a friend to his ſucceſſion, and to the monarchy itſelf, and of ability to make good all his undertakings; that his learning and elocution, as alſo his exquiſite caution, as well as his readineſs at foreſight and defence, made him an admirable miniſter. What he thought, or did, adverſe to the king's purpoſes, was indulged upon account it was his real opinion, and, being an honeſt man, he could not do otherwiſe. But, beſides all this, what, in a particular manner, ſupported him, was his credit among the loyaliſts; which was ſo great that, to part with him abruptly, and (as intended) to make way for ſuch a one as Jeffries, would make no ſlight ſhock in men's minds; and, as the ſituation of his affairs was, in that recent adminiſtration of the publick, would turn to no good account. The attorney and ſolicitor general were ſhaped out already, to ſerve any turn of projection for applying the great ſeal; and Jeffries at hand, if he could, by all his arts and rudeneſſes, make his lordſhip reſign, or be turned out, then to ſeize his poſt. And herein his

lordſhip eſteemed he had a protection, and ſaid, that if any thing made him the leaſt deſirous not to quit the ſeal, it was that, by parting, he might not gratify thoſe who indecently, or for peſtilent aims, ſought it. But it is an ill game that hath not one trump. The Lord Rocheſter, who now had the treaſurer's ſtaff, deſired by all means to keep his lordſhip in place, becauſe his ſkill, credit, and authority ſerved, by way of ſcreen, to divert diverſe malign influences from falling upon him, and what pains he took therein will appear afterwards. No enemy at court ever ventured to charge him with any immorality. I do not know that, in all his life, he ſwore an oath. But littleneſs and incapacity was the worſt they ſaid, or (in that region) endeavoured to have thought of him. His oppoſing the innovations of the popiſh party was out of principle, as what he thought beſt for king and people. But he was never officious to torment them, or make them uneaſy, if they would live at peace and be at quiet; and his engagements againſt them were all defenſive. The king knew all this, and therefore was as tender of affronting him, as he was of diſobliging his majeſty, or putting it in the power of any one to ſay he ever did an undutiful, or ungrateful act; much leſs flying in his majeſty's face, taking part with his enemies, as certainly had been the court language of him, if he had delivered up the ſeals in full health.

And upon theſe terms, as I take it, hung the great affair of the lord keeper's holding, or going out, in that reign.

But not to part with his lordſhip without a due account of his nearer comportment with his majeſty upon the ſubject of the new methods which his lordſhip ſaw to be furiouſly entering at court; which account being, not only for his vindication, but, for his laſting honour, I muſt obſerve, that Monmouth's landing gave too far an occaſion for the king's raiſing forces to ſuppreſs that rebellion, as was happily done. But afterwards, the king, partly from his own humour, which might affect other braveries, and, partly, from the fears and, conſequently, treachery of his miniſters, who thought themſelves not ſafe in what they had done, or intended to do, but upon the foot of force, kept up the army, although there appeared no real occaſion, or reaſon, for ſo doing. This created diſcontent enough; but, what was worſe, the king gave his commiſſions to perſons unqualified by law, and then expected the parliament ſhould ſanctify all; which did not prove accordingly, as was ſhewed before. This was looked upon as a fore-runner of the ſetting aſide the teſt and penal laws. And his lordſhip was not ſo ſhort-ſighted, but foreſaw not only that this current, though beginning afar off (for military commiſſions do not paſs the great ſeal) yet, in the end, would overflow

How his lordſhip behaved himſelf with reſpect to innovations; and his prophetick advice to the king.

him, but alſo that, upon the main, it would bring a confuſion fatal to our happy conſtitution in church and ſtate, and for certain deſtroy the king. This was a ſubject melancholy enough for him, and void of all hopes or conſolation. For he knew the king's humour, and that nothing, that he could ſay to him, would take place, or ſink with him. So ſtrong were his prejudices, and ſo feeble his genius, that he took none to have any right underſtanding, that were not in his meaſures, and that the counſel, given him to the contrary, was for policy of party more than for friendſhip to him. But, for all that, his lordſhip, in this difficult caſe, was reſolved, once for all, to be plain and explicit with him, and ſo (at leaſt) ſatisfy his own conſcience. And once, getting an audience, he took occaſion to declare to him all his prognoſticks, depending upon his majeſty's declining the teſt and penal laws, and that with no leſs zeal, ſincerity, and tenderneſs, than if he had been a parent. "He "minded him of the uncontroulable influence "of an univerſal diſcontent; that no branch "of his affairs, eſpecially thoſe of his colligi- "ble revenues, would move with any content "to him. People would go on continually "exaggerating each other's diſcontents, and "mutual encouragements would take place "therein, and among perſons that ſhould "appear fair to him, and neither he, nor "any of his miniſters, would diſcover any

"ſuch their ſecret practices and engage-
"ments; and if there happened any ad-
"vantage to cover attempts, all would
"break out in a flame, as if a mine fired
"under him. And although the Duke of
"Monmouth was gone, yet there was a P.
"of O. on the other ſide of the water. And
"as to his army, his lordſhip ſaid that,
"upon an univerſal diſcontent, he would
"find it a broken reed, that the people
"would grow upon it, or wear it out by
"their intermixed converſation. Men na-
"turally fall in with parties and their
"intereſts among whom they live, and they
"will not bear the reproaches of their
"women and pot-companions, without fal-
"ling into harmony with them. That it
"was utterly impoſſible to bring the people
"to a reconciliation with his perſuaſion;
"and that the more they were urged, or
"even ſhewed it, the worſe they would be.
"And that the ſectaries were falſe and
"treacherous, and would infallibly, at a
"pinch, whatever countenances they ſhewed
"him to the contrary, not only deſert his
"party but, turn againſt him; for they
"never were, nor would be friends, really,
"to the royal family, *and their peculiar way*
"*and means of working was by fraud.*" I
can, with great aſſurance, affirm the ſub-
ſtance of this free diſcourſe to the king to
have been really ſo made as I have repre-
ſented: for his lordſhip hath often ſaid to

me that, whatever happened, he would do it, and would have it in his power to ſay to himſelf, at the hour of his death, that he had done his duty to the king and his country. And after he returned from court, he told me he had done accordingly; although, as well before as ſince, he thought it ſignified nothing. And he ſeemed very much at eaſe within himſelf; having thus declared his thoughts at large, and freely to the king; and, at times, he mentioned to me the ſeveral matters he had ſpoke of to him. And, according to his cuſtom of noting things, he ſet them down upon papers, from whence I have taken them, and have inſerted them elſewhere. There is an obſcure caſt upon them there; for his lordſhip had always that caution in his writing, to ſecure that to whoſe hands ſoever his papers came, there could be no public nor private offence taken, but a little attentiveneſs to the manner of theſe notes, will diſcover what they are.

Apology for the late account of theſe devices.

Perhaps ſome of theſe prophetic hints, given by way of advice to the king by his lordſhip, being now penned by me ſo long after, may look a little like poor Robin's method of taking time to foretel things, until after the event is paſt. So conformable may they ſeem with what happened. And, to ſay truth, I almoſt diſtruſt my own pen, leſt my unhappineſs of having known the events, ſhould infect my expreſſion with

a cleverneſs derived thereupon. And, if allowances muſt be made me on that account, which I profeſs not to crave, I hope they will not be thought very large, by reaſon of what I ſhall ſay for myſelf. Barring the unavoidable defects of memory, which will let go the niceties of words and terms, and ſo oblige us to take up with things, as in effect they remain in mind, I muſt here proteſt an untainted integrity, and that what I have related is true. But I am not in a ſtate to rely altogether upon obſervations; for diverſe of his intimate friends (I do not name any becauſe I ſuſpect moſt of them are dead) were ſo far entruſted in diſcourſe as to be made acquainted with his lordſhip's ſubmiſſive, but dutiful counſel to the king, not to break the laws for the ſake of any innovation; and, particularly, that item of prodigious import, viz. that *although Monmouth was ſuppreſſed, there was a P. of O. abroad.*

His lordſhip ſunk under the immenſe weight of his office, and the ill proſpect he had.

But to drop theſe apologetics, and conclude, I ſhall freely ſubjoin my ſentiments of the very root of his lordſhip's diſtemper, and the cauſe that rendered it inept to be cured, and therefore mortal. And that was, in a word, *his laying things to heart.* The buſineſs of his office was too great for one who thought he was bound to do it all well. As to the part of his juſtice in the Court of Chancery, I have ſaid enough. That load, though heavy, was not inſupportable. It

afflicted his ſpirits, but did not cruſh them. If the buſineſs of the court, by reaſon of neceſſary attendances in other places, run in arrear, he might hope for more enlargement of his time to recover it. But, conſidering what was added from the ill ſtate of the public, for which he thought himſelf, in great meaſure, obliged to anſwer, or to feel the ill conſequences, he ſaw plainly that he muſt either diſgrace himſelf by quitting, the very thoughts of which flew in his face, as a deſertion of his royal maſter, and benefactor, in diſtreſs; and what, at court, would be expreſſed in the terms of flying in his majeſty's face: for when a miniſter, in ſo great credit, quits, it amounts to a publick accuſation, and declares he could ſerve honeſtly no longer; or elſe he muſt ſtay until he ſhould be preſſed, as he continually expected, to paſs ſome of the illegal commiſſions, which he was determined not to do, and, upon that, be removed, with the foul language of the then court, for ſauce to it. He had been happy if he could have got clearly off, without any of theſe trials: and it was not a little uneaſy to him that, in the interim of theſe expectations, the courtiers conſpired, by ridiculous ſlights, affronts, baſe experiments and buffooneries, to grieve and torment him, with deſign either to bring him into their guilty meaſures, or, elſe, to make him withdraw himſelf out of their way, which, without better reaſon than to

gratify them, he had no mind to do. And he ſo far reſtrained himſelf, and his reſentments, from the public, which ſeldom or never takes ſuch matters by the right handles, that whatever machinations. or inventions, were ſet on foot purpoſely to diminiſh him, though he knew out of what ſhop they came, yet he never maintained any open feud, or party, on his own account, or either expoſtulated abroad, or troubled the king in private. All which ill uſage lay burning in his moſt ſenſible breaſt. And, adding thereunto that he ſaw no dawning of any good to his maſter, the nation, or himſelf, he lived in a ſtate of judicious deſpair; and then no wonder that a diſtemper, otherwiſe of an ordinary criſis, got the better of him, or, more directly, that his heart was broke.

His lordſhip not qualified for the latter time; yet left the world in the beſt circumſtances.

I have elſewhere noted that his lordſhip ſhould ſay that he had not enjoyed one moment of comfort in his life, from the firſt commitment of that peſtilent ſeal to him. If there was no caſe under it at firſt, it muſt needs be Hell at laſt. He wanted a good general apathy: and that one may break into two qualifications neceſſary to an overcharged miniſter of ſtate. 1. As to himſelf, equanimity. 2. As to all others, indifference. 1. The former ſounds a little philoſophic, and means a careleſſneſs of events, and the being no more concerned at what may happen to him, than at the weather, or any thing elſe, that is out of his power.

2. As to others, the caſe is not very commendable; for it ſuppoſeth one to be wholly unconcerned in the queſtions of right and wrong, not caring who is injured, or ſuffers, or who gets or loſes, how, when, or why; and, in office, to be without compaſſion, as a butcher that kills and flays habitually, without remorſe; nor to let any pleaſure, or advantage, be fruſtrate, or ſleep broke, for what men call duty, and making no account of good or evil, but what ſelf-enjoyment, or intereſt, ſhall denominate. Theſe qualifications, ſuppoſing them to be ſo neceſſary as, in ſome times, they are, ſhew how little qualified an honeſt, wiſe man, and a good chriſtian, is for this great employment, in ill-natured and perverſe times.

Got to be mad

His lordſhip had been ſenſible that he was obnoxious to danger, of his perſon and [illegible] do, any, between two great parties, papiſt and ſoul [illegible]k; neither of whom he had complied w[illegible] [illegible]ut reſiſted in all their projects calculated [illegible]or making alterations in church and ſtate: and if an unlucky turn ſhould give the publick a toſs into the hands of either [illegible] them, what then muſt become of [illegible]n? He looked upon the papiſt intereſt [illegible] famil[illegible]ngland (at the beginning at leaſt) to be [illegible]ith [illegible]fanatic inhuman and barbarous than the republ[illegible]cans and ſectaries; yet he would not be [illegible]expoſed to them, although he had not officiouſly hurt any of them. But, from the

others, he expected no moderation, who had exerciſed him with loud threatenings for ſeveral years, and would have been glad to be as good as their words. And he did not rely upon retirement to render him ſecure from the malice of thoſe men; and his intereſt lay chiefly in that they called the church of England party, who might have enough to do to defend themſelves; and, conſidering their eaſineſs, and aptitude to be impoſed on, and that they either hide (as I may term it) or flow along with the current, no dependance, in bad times, was to be expected upon them. Therefore his lordſhip reſolved to get into the peerage as ſoon as he could, and enjoy the ordinary privileges and protection of that order. And that he did it not for vanity, or puff, appears by his unaffectedneſs in the preamble of his patent. The common cuſtom, about preambles to patents of honour, (which patents are prepared by Mr. Attorney-General in all points except the preamble, which is left to the order of the perſon to be prepared) is to employ ſome chaplain, or rhetorical ſcholar, who is ſet on work to pump hard for elogiums, and, by dint of eloquence, to varniſh out his majeſty's gracious act. But his lordſhip, nauſeating all ſuch fulſome ſelf-flatteries which, like commendatory epitaphs, are accounted no better than ſolemn lying, would have none but a common preamble, as that monarchs uſe to reward perſons, who

had ſerved faithfully and well, with marks of honour, or the like; which ſervice his lordſhip might modeſtly own. His chief doubt was how he might decently apply to the king; and that ended in a reſolution to beg it, as a boon, of the Duke of York to recommend him. This ſome thought improper, with reſpect to his not complying with the Papiſts. But his lordſhip believed that the duke thought him an honeſt man, and was really his friend: and ſo it proved; for the duke took kindly his lordſhip's requeſt, and, without heſitation, or delay, moved the king, and it was as ſoon granted. Another doubt, that he had, was about the title; for he would not fix it upon any of his poſſeſſions, becauſe it looked as a vanity; nor upon any place, which was in the ſtyle of any other honour, nor on any new one, which had not been, in ſome paſt time, uſed as a title. At laſt he ſettled it upon Guilford, which had belonged to his friend the Duke of Lauderdale, and was, by his death, extinct. The ducheſs was then living, and he had her approval of it; and many fancied he courted her in the way of marriage, and that this was one of his compliments. He was aware of ſuch rumours; but valued them as little, as he intended, thereby, any ſuch courtſhip. And although (if he had aſked) it might have been an earldom, he made a barony his choice, ſince he did not ſeek the honour for vanity, but for a real.

protection. And he was infinitely ſatisfied that he had made no other means but by the duke; which if he had not done, but gone by himſelf, or any other way, it had proved a real offence, and had been aggravated as a ſlight put upon his royal highneſs.

I ſhall not take upon me to give a ſummary character of this great man, till I have wiped off ſome calumnies that have been caſt upon him, and ſhewn ſome particular inſtances of his excellent qualifications in the ſeveral parts of life, which I could not conveniently inſert in the body of this work, in order to demonſtrate him to have been a wiſe and juſt man, and a good chriſtian. Slander is like the fiſh called the remora, which, ſticking to the helms of great ſhips, diſorders the ſteerage. Ordinary perſons are obnoxious to ſlander; but, for the moſt part, it is frivolous, ſlightly regarded, and turns to merriment. But, when applied to great men, and miniſters of ſtate, it diſturbs the courſe of affairs, and the whole government feels it. When he was young, and paſſed his time in ſtudy, and the early practice of the law, he fell under no perſon's evil tongue (except ſome of his neareſt relations, as has been touched already) and no fraud, miſdemeanor, or vice, could be laid to his charge; but he was eſteemed a perſon of the greateſt hopes of any of his profeſſion. And as to his general character, then and afterwards, ſome fancied he was inclined to

When young, not ſlandered, and not covetous.

avarice; but they knew not his circumſtances, nor his humour. At firſt he lived in a courſe of ſhifting with a little, as I may ſtyle it, when he was to buy the way into a ſettlement fit for the buſineſs he aimed at. And one, that hath neither fund nor friend, whereby debts, if any were contracted, might be paid, as many, of his rank, have, hath reaſon to be careful. But it often happens that extravagant, rakiſh people, if one, upon a level with them, doth not ſpend his money in their wild way, think him covetous. His lordſhip kept always a reaſonable, and ſelect, company, and never was what they call a company keeper. But, with his friends, was liberal and free, and, in paying reckonings, and other ſeaſonable bounties, none more free than he was. Of which, inſtances will be produced hereafter. After he came to make a figure, there are witneſſes enough of his generous way of living. So that whoever hath imputed avarice to him, hath been altogether out of the way of right judgment. The faction never applied heartily to calumniate his lordſhip, until he was touched in parliament. And from that time forwards, all the party artillery of foul mouths were pointed at him; and the Earl of Sunderland marched at the head of them, who commonly gave out the ſignal. His lordſhip's virtuous courſe of life was a vile obſtacle; and ſlanders, on that head, would not ſtick. But I ſhall ſhew ſome ſnares laid

to catch him. In the mean time, vilifications plenty. Thoſe were at their tongue's end. He was neither courtier nor lawyer; which his lordſhip hearing, he ſmiled, ſaying, *That they might well make him a whoremaſter, when they had diſlawyered him.* And to ſhew their intent of fixing ſome ſcandal and contempt upon him, I ſhall alledge a ridiculous inſtance or two. His lordſhip's brother-in-law, more than once named in theſe papers, came to him ſeriouſly with advice; which was that he ſhould keep a whore, and that, if he did not, he would loſe all his intereſt at court; for he underſtood from very great men (the Earl of Sunderland and his gameſters, I ſuppoſe) that he was ill looked upon for want of doing ſo, becauſe he ſeemed continually to reprehend them for practiſing the like, as almoſt every one did; and, if his lordſhip pleaſed, he would help him to one. His lordſhip was, in his mind, full of ſcorn at this profer, which the meſſenger did not penetrate; and it was enough to decline the counſel, and not accept of his aſſiſtance. And, with his neareſt friends, he made wonderful merry with this ſtate policy, eſpecially the procuring part; and ſaid, *That if he were to entertain a madam, it ſhould be one of his own chuſing, and not one of their ſtale trumpery.* But his lordſhip had deeper reflections that, beſides the ſullying his character, if he had ſuch a ſnake in his bed, they would find a way to

come, by her, into his moſt retired intentions. For the courtiers knew the uſe that, in politicks, might be made of the fair ladies, whom they could charm better than his lordſhip; and no ſpy like a female.

A treacherous handle held forth and repulſed.

When theſe pointed darts would not lay hold, they were contented to throw dirt; as appears from what they inſerted in a newspaper, of his lordſhip's behaviour in the Weſtern circuit; a full account of which may be found in the Examen. And whoever looks into that time, will find a ſtrange tendency to ſplit the laws againſt thoſe who do not go to church; that is to ſay Recuſants. And ſome votes of the houſe of commons looked that way; as if it were a grievance that thoſe laws were made to extend to ſectaries, who are ſoftly ſtyled Proteſtant Diſſenters; ſuch as Preſbyterians, Quakers, Anabaptiſts, &c. But the judges, as his lordſhip in particular, and Juſtice Jones (who, though abſent at Taunton, deſired to be compriſed in the advertiſement) had not ſuch a notion of law as, for any body's humour, to treat plain words and expreſſions, as a noſe of wax, to bend one way or other to gratify parties. But the charge given by the earl, as ſecretary, to the judges to that effect, was an *ignis fatuus* or will in the whiſp, of the faction, concerted to miſlead, at leaſt, with ſhewing a feint of indemnity, to ſeduce them.

Calumny kept under till the reign

I have elſewhere noted that, during the reign of King Charles II. calumny, againſt

his lordſhip, at court, was kept under; for he would not ſuffer his mimics to fool with the perſons of his miniſters that he had a value for. But, in the next reign, when the Roman Catholic deſigns began to work, and his lordſhip was found utterly unfit for their purpoſes, and the court inſtruments, of which the Earl of Sunderland was the chief, were employed to ſhake him off, that the Lord Jeffries might come on, then the reins were let looſe to calumny; and when no miſdemeanour could be found to harp upon, they fell, like fooliſh clowns, to call names, as they ſay; and no ſcruple was made to vilify him, as the unfitteſt man that ever ſat in his place: partial, paſſionate, unreaſonable, impotent, corrupt, arbitrary, popiſh, and ignorant. Any thing to make him avoid the room. But his lordſhip cared not to humour theſe barkers, or to quit his place, till he might do it with ſalvo to his dignity. of Ja. II. when it began to rage.

To ſhew that his lordſhip's court enemies, the Earl of Sunderland in particular, were hard put to it to find, or invent, ſomething to report, tending to the diminution of his character, I ſhall give an account of the moſt impudent buffoon lye raiſed upon him, and, with braſen affirmations of truth to it, diſperſed from the court one morning, that ever came into fools heads; and Satan himſelf would not have owned it for his legitimate iſſue. It fell out thus: a merchant, The fooliſh lye of the Rhinoceros. His lordſhip much roiled at it.

of Sir Dudley North's acquaintance, had brought over an enormous rhinoceros, to be ſold to ſhew-men for profit. It is a noble beaſt, wonderfully armed by nature for offence; but more for defence, being covered with impenetrable ſhields, which no weapon would make any impreſſion upon; and a rarity ſo great, that few men, in our country, have, in their whole lives, opportunity to ſee ſo ſingular an animal. This merchant told Sir Dudley North, that if he, with a friend or two, had a mind to ſee it, they might take the opportunity at his houſe, before it was ſold. Hereupon Sir Dudley North propoſed to his brother, the lord keeper, to go with him upon this expedition; which he did, and came away exceedingly ſatisfied with the curioſity he had ſeen. But whether he was dogged, to find out where he and his brother houſed in the city, or flying fame carried an account of the voyage to court, I know not; but it is certain that, the very next morning, a bruit went from thence all over the town, and (as factious reports uſe to run) in a very ſhort time, viz. that his lordſhip rode upon the rhinoceros; than which a more infantine exploit could not have been faſtened upon him. And moſt people were ſtruck with amazement at it; and diverſe run here and there to find out whether it was true or no. And, ſoon after dinner, ſome lords and others came to his lordſhip to know the truth from

himſelf; for the ſetters of the lye affirmed it poſitively, as of their own knowledge. That did not give his lordſhip much diſturbance; for he expected no better from his adverſaries. But that his friends, intelligent perſons, who muſt know him to be far from guilty of any childiſh levity, ſhould believe it, was what roiled him extremely; and much more, when they had the face to come to him to know if it were true. I never ſaw him in ſuch a rage, and to lay about him with affronts (which he keenly beſtowed upon the minor courtiers that came on that errand) as then; for he ſent them away with fleas in their ear. And he was ſeriouſly angry with his own brother Sir Dudley North, becauſe he did not contradict the lye in ſudden and direct terms; but laughed, as taking the queſtion put to him for a banter, till, by iterations, he was brought to it. For ſome lords came, and becauſe they ſeemed to attribute ſomewhat to the avowed poſitiveneſs of the reporters, he rather choſe to ſend for his brother to atteſt, than to impoſe his bare denial. And ſo it paſſed; and the noble earl, with Jeffries, and others of that crew, made merry, and never bluſhed at the lye of their own making; but valued themſelves upon it, as a very good jeſt.

Pamphlets could find no ſubject for calumny.

I know not any thing, that came out in public, of calumny againſt his lordſhip in his life-time, worth taking notice of, more than hath been hinted. His juſtice was ſo exact,

and courſe of life ſo unexceptionable, that the libellers had no ſubject to make any work with. The vileſt of them, in all three, entitled, *The no Proteſtant Plots*, publiſhed to way-lay the courſe of juſtice againſt traitors, and cunningly contrived for that purpoſe, if any thing had been known to diſcredit his lordſhip's character, had there diſplayed it. But the worſt, that the author could contrive, was to call him Sly-boots; and a younger brother, that uſually went about with him, young North. There's all, while living; but, ſince his death, the preſs hath been more free.

Denied a writ for a bill of exceptions, in the rioters caſe.

And, ſince that time, ſome particular matters were muttered about without, as well as within, St. Stephen's walls; as if he had not therein done his duty, as lord keeper of the great ſeal; which, though it never roſe to any accuſation, or publick cenſure, I think may be aptly taken in here. One was, that his lordſhip refuſed to put the ſeal to a mandatory writ, directed to the Lord Chief Juſtice Saunders, to ſign a bill of exceptions tendered to him at the trial of the rioters in London. The information was for the riotous act of the old ſheriffs holding a common hall, and pretending to elect new ſheriffs, after the aſſembly was diſſolved by the lord mayor. At the trial, the defendants urged, as hath been related in the Examen, that the lord mayor had no power to diſſolve the Common-Hall;

which point the Lord Chief Juſtice Saunders over-ruled, as a vain and empty pretence, and utterly againſt law. Upon that, the bill of exceptions to the opinion of the judges, was tendered, which he refuſed to ſign. After the trial was over, they came to his lordſhip for a petition for a writ, and ſuggeſted a form of it expreſs in the regiſter. Upon examination, his lordſhip found that that precedent was of a writ to the ſheriff, who is, in ſome caſes, a judge; but is alſo a miniſterial officer, to whom mandatory writs may fitly be directed. But it follows not from thence that they may be directed to the judges of the courts in Weſtminſter-Hall. And what proceſs can be upon it? There is no form of any attachments, nor precedent of any like proceſs to follow. And the penalty in the form, is only —— *on pain that ſhall fall thereon:* which ſhews it to be a mere writ of favour, where it might be granted. But there never was any ſuch, to the knowledge of any man living, ſent out; and thereupon, in this caſe, it was denied. Theſe matters were thus preſſed, not becauſe there was any right or ſenſe in them but, by way of coals to be blown up for exaſperating the fire when time ſhould ſerve. It may not paſs that the Chief Juſtice Saunders was in the wrong for refuſing the ſigning; but the chicane upon that point of law, which was moſt clearly with him, is too tedious to be inſerted here.

A writ of error for Armſtrong deni d, and the reaſons.

Of a like nature, with this, was another application to the great ſeal for a fiat that a writ of error might iſſue to reverſe an outlawry againſt Sir Thomas Armſtrong. The law is, that if a man, outlawed for high treaſon, renders himſelf within a year, he may have the benefit of a writ of error to reverſe the outlawry, and ſo take his trial; otherwiſe not: and an outlawry, in ſuch caſe, while it ſtands, is a complete attainder, as if tried and attaint by verdict and judgment. Armſtrong fled into Holland, and was outlawed for the Rye plot treaſon. Afterwards, within the year, he was taken up in Holland, and brought into England, and, being oppoſed as to what he had to ſay for himſelf why execution ſhould not be awarded, he inſiſted that, being preſent here within his year, he ought to have a writ of error, and be admitted to plead. But the judges were of opinion that being brought in by force, againſt his will, was not a rendering himſelf within the ſtatute; and thereupon he was executed. Pending the queſtion, application was made to his lordſhip for a writ of error; and, examining into the matter, his lordſhip found that writs of error, to reverſe outlawries in treaſon, had never been made out without a warrant from the attorney-general; for it is not a writ of right, but of favour: and it could not be demanded at the great ſeal otherwiſe; nor had the ſeal a warrant without a fiat

from the attorney-general. But beſides, the matter of right depended before the juſtices of oyer and terminer; and the writ would follow, or not, upon their determination: For which reaſon, it was impertinent to come to the great ſeal about it. But then, and afterwards, a clamour was raiſed and ventilated abroad, as if the man had been hanged for want of a piece of common juſtice at the great ſeal; and, after the revolution, diverſe warm members began to open about it. For which reaſon a paper was framed, and put into the hands of ſome members, wherein it was thought fit to repreſent farther, that, 1. It is the office of the curſitor to make out writs of error in criminal caſes, when the uſual and proper warrants are brought to them. And the lord keeper's fiat never was, and, in that caſe, would not have been a warrant to the curſitor for ſuch writ. Wherefore the refuſal of it lay not upon the lord keeper. 2. The application to the great ſeal for ſpecial writs muſt be either by motion in open court, or by petition; which being granted, a fiat is wrote and ſigned upon it; and that remains in the offices, and is the warrant for farther proceeding: elſe, it is delivered out unanſwered; which is the refuſal to grant what is deſired in the petition. And no ſuch application was ever made in that caſe. 3. An oral application, in private, is not to be regarded, becauſe there

is no certainty of what is either aſked or denied. Buſineſs, of that kind, is not truſted to memory; but muſt be in writing, becauſe the lord keeper is not to ſolicit any man's ſuit at his inſtance. He may direct if he thinks fit, but is not bound. Suitors muſt follow in the proper offices; and it was never heard that ſuch ſuit was made to the lord keeper, but from the perſon whoſe caſe it is. There was reaſon to endeavour a right underſtanding at that time, when committees, of both houſes apart, were appointed to enquire into the foregoing proceedings. That of the houſe of lords was called *The Committee of Murther*. But, after all methods of enquiry that could be taken upon oath or otherwiſe, no blame was found in any judge or miniſter in the time of King Charles II. Which, as has been touched already, is a vindication that few ages, put to ſuch a trial, could hope for.

A preſent of the ſix clerks to his lordſhip miſconſtrued.

One thing more is to be remembered, which was talked in coffee-houſes concerning his lordſhip; but by thoſe only who were the culpables. The ſix clerks have great dependance on the courſe of the court of chancery for their profits; and are always diſpoſed to keep the judge in good humour, and prevent alterations to their prejudice. And the judges of all the courts make no ſcruple to accept of preſents of value from the officers by way of new-year's-gift, or otherwiſe: which is a practice not very

commendable, becauſe, with ſome, it may have bad effects. Accordingly theſe ſix clerks clubbed, and made a preſent to his lordſhip of 1000*l.* which he took as an inſtance of their reſpect, without regard to, or knowledge of, any other deſign or intention of theirs. But, ſoon after this, they began to fall out with the ſixty under-clerks, and pretended to remove them at pleaſure, being their ſubſtitutes, for whom they were to anſwer, as maſters turn ſervants away whom they can truſt no longer. The ſixty, on the other ſide, ſtood upon it, that they bought and paid for their ſeats, and were ſworn into their places; and however they were ſubject and accountable to the ſix, they were not at their mercy, to be removed, without the authority of the court. The ſix thought fit to put in practice their own authority, and began with one Sewel a clerk, one of the ſixty, and ordered him out of his ſeat, and (as I remember) gave it to another. This produced a petition of this Sewel to his lordſhip, praying to be reſtored, and the reſt of the ſixty confirmed in their places; of which decree the juſtice is unexceptionable. It is no wonder that the ſix were infinitely diſguſted; for, if they had any bad deſign, as it ſeems plain they had, viz. of adding ſixty to their ſix, they had their reward. I am firmly perſuaded that his lordſhip knew nothing of it till the cauſe, upon the petition, came before him; and,

if he had known of it before, he had not accepted their kindneſs, and that afterwards he repented him of it. And, of all the actions of his life, this came neareſt to a colourable miſconſtruction. Nay, there is no other capable of any. And I gueſs that, although I have here related it undiſguiſed, and out of my perſonal knowledge, many will incline to take it in the worſe ſenſe, and as being a plain bribe, though the conſequence flies in the face of it: and, for that reaſon, many would have left out this whole paſſage, ſo ſingular as it is; but profeſſing, as I do, to render every action of his lordſhip conſpicuous, I could not acquit myſelf to deal ſo with this, which would have manifeſtly tainted all I have ſhewed for his lordſhip's advantage.

An early virtuoſo.

I have now done with all that appeared, or could appear, of diminution to the reputation, true or falſe, which his lordſhip, by his ſteady courſe of life, before his parting with the world, had acquired. I ſhall now, purſuant to my deſign, ſhew by many particular inſtances, how much he ſhined in every part of life. I have already hinted that his profeſſion of the law did not prevent his entering into other kinds of learning, and particularly natural knowledge. His lordſhip was an early virtuoſo; for after his firſt looſe from the univerſity, where the new philoſophy was then but juſt entering, by his perpetual inquiſitiveneſs, and ſuch

books as he could procure, he became no ordinary connoiſſeur in the ſciences, ſo far as the invention and induſtry, of the then latter criticks, had advanced them. And the ſame courſe he purſued, more or leſs, all the reſt of his life; whereby all diſcoveries at home, and from abroad, came to his notice, and he would have been loth to have let any eſcape him.

His lordſhip had grea eaſure in the ſociety of that very good maſter in chancery, Sir John Hoſkins, who was a proof experimental that that office might be executed with integrity. Their chief enjoyment of each other was early, when his lordſhip began to be eminent in practice, and the other had ſome aſpect towards the law. But his chief, or rather entire, application was to philoſophy and experiments. And therein he became ſo far an adept that, being one of the Royal Society, he was at laſt advanced to be their preſident. This reſignation to philoſophic ſtudies ſpoiled the lawyer; but made an accompliſhed good companion, eſpecially to one who delighted in thoſe matters as much as himſelf. After a long day's work, if his lordſhip could get Sir John Hoſkins to a French houſe, for a petit ſupper, but ample feaſt of diſcourſe, he was happy; which I can the better teſtify, having often been one of the company. There was no corner of the univerſe, that imagination could make acceſſible,

Character of Sir John Hoſkins.

but they ſearched it to the quick; and nothing new ſprang abroad, or at home, but one or other of them, early or late, brought it under examination. The good knight made uſe of his profeſſion ſo far as to make an accompliſhed maſter in chancery; in which poſt he had all juſt encouragement from his lordſhip, when he had the great ſeal. And accordingly his lordſhip was always pleaſed when he ſent references to him, becauſe he knew his integrity, and that, in his office, the ſuitors were well uſed, and no ravenous practices took place: which, as to himſelf, was egregiouſly ſo; but maſters in chancery, by their clerks, as well as juſtices of the peace by theirs, are but too much impoſed upon. One rule was verified in him, viz. *That no credit is to be given to the outſide;* for he was certainly one of the moſt hard-favoured men of his time, and his viſage was not more aukward than his dreſs. So that going, as his uſe was, on foot, with his ſtaff, and an old hat drawn over his eyes, he might be taken rather for a ſorry quack than, as he was, a bright virtuoſo. So men diſcover what they value themſelves for; and, on the other ſide, the ſame is to be ſaid of them that cultivate dreſſing; whereof the ſolicitude or neglect, however proper it may be, will ſhew itſelf by ſome kind of affectation.

Of Sir John Worden. His lordſhip was no concealed virtuoſo; for his diffuſed acquaintance and manner of

converſation, made him known, and eſteem- Mr. Aubrey, Mr. Weld.
ed, as a profeſſor of moſt polite arts, and given to ſcientific enquiries. This brought upon him an importunity to be admitted a member of the Royal Society; and one Sir Theodore de Veaux was employed to preſs him upon it. But his lordſhip never countenanced the propoſal; and, at length, gave his poſitive denial. He eſteemed it a ſpecies of vanity for one, as he was, of a grave profeſſion, to liſt himſelf of a ſociety which, at that time, was made very free with by the ridiculers of the town: and he could not diſcover what advantage of knowledge could come to him that way, which he could not arrive at otherwiſe. His lordſhip had another acquaintance, who reſided in the Temple, and, being of a retired diſpoſition, was very far gone in the myſtery of algebra and mathematicks. This was Mr. John Werden, afterwards Sir John, and many years a commiſſioner of the cuſtoms. He was the only ſon of an incomparable courtier, cavalier, and a moſt faithful ſervant in the royal family, Colonel Werden. This Sir John inſpired his lordſhip with a ſort of fury in purſuit of the art of perſpective. He ſhewed him the picture of a tree, upon the bows of which hung the letters of his name, cut ſolid, and placed, as it were, contingently, but expreſſed in true perſpective. There was one Mr. Aubrey of Surrey, a profeſſed virtuoſo, and always replete with

new diſcoveries. He often viſited his lordſhip, who encouraged him by his attention, and aſking many queſtions: and his anſwers ſerved well enough, in order to a farther enquiry. One Mr. Weld, a rich philoſopher, lived in Bloomſbury. He was ſingle, and his houſe a ſort of knick-knack-atory. Moſt of the ingenious perſons about town, ſometimes viſited him; and, among the reſt, his lordſhip did ſuit and ſervice there. This gentleman was of a ſuperior order, and valued himſelf upon new inventions of his own. He ſowed ſallads in the morning, to be cut for dinner, and claimed the invention of painted curtains in varniſh upon ſilk, which would bend and not crack; and his houſe was furniſhed with them: and he delighted in nothing more than in ſhewing his multifarious contrivances. His lordſhip was once invited to a philoſophical meal, at the houſe of Mr. Evelyn at Deptford. The houſe was low, but elegantly ſet off with ornaments and quaint mottos at moſt turns; but, above all, his garden was exquiſite, being moſt boſcareſque, and, as it were, an exemplar of his book of Foreſt Trees. They appeared all ſo thriving and clean, that, in ſo much variety, no one could be ſatiated in viewing. And to theſe were added plenty of ingenious diſcourſes, which made the time ſhort.

Of Sir Jonas Moor,

His lordſhip had a great value for Sir Jonas Moor, a capital mathematician,

knowing well his worth and honeſty, by means of his employment under the commiſſioners for dividing the fens; at which his lordſhip had preſided. That good man had taken Mr. Flamſtead, the noted aſtronomer, into his protection, and, when he was ſcarce able to ſubſiſt in his college at Cambridge, planted him in the Tower, with accommodation in the buildings of the ordonance, of which Sir Jonas was an officer; procured him inſtruments, and, at laſt, ſettled him in the new-built obſervatory at Greenwich. Sir Jonas once invited his lordſhip to dine with him at the Tower, and, after dinner, preſented Mr. Flamſtead. His lordſhip received him with much familiarity, and encouraged him to come and ſee him often, that he might have the pleaſure of his converſation. The ſtar-gazer was not wanting to himſelf in that; and his lordſhip was extremely delighted with his accounts and obſervations about the planets, eſpecially thoſe attendant on Jupiter; ſhewing how the eclipſes of them, being regular and calculable, might rectify the longitude of places upon the globe, and demonſtrating that light did not paſs inſtantaneouſly, but in time; with other remarkables in the heavens. Theſe diſcourſes always regaled his lordſhip; and, a good benefice falling void, not far from the obſervatory, in the gift of the great ſeal, his lordſhip gave it to Mr. Flamſtead, which ſet him at eaſe in his

Mr. Flamſtead, and Mr. Ball.

fortunes, and encouraged his future labours, from which great things were expected; as applying the Jovial obſervations to marine uſes, for finding longitudes at ſea, and to correct the globes, celeſtial and terreſtrial, which were very faulty. And, in order to the firſt, he had compoſed tables of the eclipſes of the ſatellites, which ſhewed when they were to happen, one after another; and of theſe, finely painted upon neat board, he made a preſent to his lordſhip. And he had advanced his other deſign of rectifying maps, by having provided large blank globes, on which he might inſcribe his places corrected. But plenty and pains ſeldom dwell together; for, as one enters, the other gives way: and, in this inſtance, a good living, penſions, &c. ſpoiled a good coſmographer and aſtronomer; for very little is left of Mr. Flamſtead's ſedulous and judicious applications that way. His lordſhip had another virtuoſo acquaintance in the Temple, one Mr. Ball, ſon of Sir Peter Ball, that, from his firſt ſociety of that kind, kept him company. But family misfortunes overtaking him, his activity and inclinations deadened, or rather degenerated into domeſtick cares; ſo that I think it enough to have named him, as one in the liſt of his lordſhip's ingenious acquaintance.

Character of Sir Robert Sawyer.

There were two or three more perſons very eminent in their way, and alſo particularly acquainted with his lordſhip. I

ſhall therefore take this opportunity to remember ſomething of them. And firſt, of Sir Robert Sawyer, who roſe no higher than attorney-general; for, at the revolution, for reaſons I ſhall give, he was dropt. He was a proper, comely gentleman, inclining to the red; a good general ſcholar, and perhaps too much of that, in ſhew at leaſt; which made ſome account him inclined to the pedantic. He was of the family of Sir Edmund Sawyer, and ſo related to his lordſhip. He was continued at the univerſity till he had taken the degree of maſter of arts. And being deſigned for the gown, he had his logick and arts, and, by performing the academic exerciſes, he had acquired an aſſurance and formality of ſpeaking in publick; which is always profitable to a profeſſor in Weſtminſter-Hall. It was his good fortune to divert to the law; and his firſt practice was at the Exchequer court; and there he pitched his camp, and arrived at top practice. It was alſo his advantage to come up under the Lord Chief Baron Hales, whoſe learning in the law and records, and moſt pertinent application of it, were admirable; and ſtudents in the law, or practiſers, under him, profited more than by any ſtudy. And no buſineſs in the law is ſo inſtructive, in order to ſerve the crown, as that of the Exchequer; which, by proper inſtitution, is the court of the king's revenue; and the royal prerogative is at home there.

It is no wonder therefore that Sir Robert Sawyer, being taken into the attorney-general's place, at a time when the crown was very much embarraſſed at law, as about the time of the Rye plot, conducted thoſe great affairs ſo ſteadily and well, as he did. But we muſt charge to account, among his very great advantages, his relation to his lordſhip, which created a friendſhip and familiarity betwixt them; and thereby he had the moſt cordial aſſiſtance that his lordſhip could, on all occaſions, give him. And this alliance was the firmer, becauſe Sawyer's bias was to loyalty, which had been the character of his family.

His refuſal to paſs the *non obſtante's*, and removal.

I need not recapitulate the great dependances of law that ſucceeded well under his conduct; for all notes of the latter end of the reign of King Charles II. are full of them. He was continued in his office by King James II. but then he was ſoon off the hooks: for, ſoon after the Lord Keeper North died, a deluge of irregular diſpenſations, and *non obſtante's*, were coming towards him; and he was ſo juſt a man in his nature, that he was reſolved, whatever became of him, he would not paſs any ſuch. So there was like to be a ſtop at him. He was always very careful of his office, and, when he did not fear any impoſitions, but was free to uſe his judgment as other attornies general did, yet, when matters of life and death were depending, he uſed to

ſummon the king's counſel to attend him at his chamber, where it was freely conſulted if there were a fitting evidence to proceed upon, or not; and, if the general opinion was that the evidence did not come up, he never puſhed any trial againſt any man. Now, in this time of peril, he was ſo kind to his friends, the king's counſel, as to give them warning to ſtudy the points; for they would be aſked whether the king might not, by his royal grant, oppoint officers unqualified, with *non obſtante's* to the teſt laws; and that the firſt caſe would be concerning the ſoldiery. And I believe the whole nation of the law were, at that time, appriſed of all the arguments *pro* and *con;* ſo none could be taken napping. The firſt perſon, that was teſted, was Mr. Solicitor Finch, a younger ſon of the Lord Nottingham; and he refuſed plumb. Upon one Saturday, in the afternoon, I was cited to the lord chancellor, and told I muſt give him an anſwer in writing forthwith. I anſwered, *That ſo nice a point ought to be well conſidered.* He replied, *there was no need of that;* and cited ſome books. I told him I had ſeen thoſe books, and would ſend him an anſwer the next day, which was a refuſal. On Sunday after, Mr. Solicitor Finch was diſcharged, and one Powis made ſolicitor in his room. Mr. Attorney did not ſtay long, but was diſplaced to make room for Powis to be attorney. And there ended Sir Robert

Sawyer's preferment. He ended his days honourably, and in peace; and his acquiſitions remain in a noble family, by a match with his only daughter. And nothing ever impeached him, or his actions, in public. And that is a fair concluſion of a man's life; although we might ſee that, without ſuch a noble ſupport, he might have been calumniated, for what was done in his time, as well as ſome of his cotemporaries.

Character of Mr. William Longueville.

Another of his lordſhip's acquaintance was one Mr. William Longueville, ſometime a bencher of the Inner Temple, who was one of his lordſhip's much eſteemed friends and companions. His diſcourſe was fluent, witty, literate, copious, and inſtructive; and thoſe, who did not well attend to him, or did not underſtand him, thought he talked too much. His excellence of converſation lay in a ſelect ſociety of one or two; but he had too much in him to allow more a due ſhare in the converſation. He was a maſter of claſſic wit, and had the beſt Latin ſentences, from the orators, hiſtorians, and poets, at his tongue's end; and uſed to apply them ſignificantly, and with that judgment as cleared him of pedantry. His method was much after the way of epick compoſitions, full of digreſſions and epiſodes; but neither was the main let fall, nor time loſt upon the by. This *copia* rendered him leſs fit for bar-practice, where ſubmiſſion and reference doth more in a cauſe than reaſon-

ing, and inſinuating more than diſcourſing. For this reaſon he diverted to conveyancing; and, in that practice, rode one of the admirals. His induſtry was indefatigable, and his integrity as the driven ſnow; and as few blunders (if any) have come from his chamber as from any of his pretenſions. His beginning was low, for he was the ſon of a cavalier father, who ſpent extravagantly what the tyranny of the times had left him; and, at laſt, fell to his unprovided ſon to be maintained, not only in neceſſaries but, in extravagances. And he, with incomparable piety and application, was a father to his father. A good-natured ſix-clerk took a fancy to the young man, and gave him credit, by which he crept into that office, and, at length, made it his own; and, in fit time, he ſold it. By which he had a foundation of eſtate; and what with a match, by which he hath poſterity, and his practice, he hath re-edified a ruined family. His addreſs and flowing wit recommended him to the knowledge of moſt eminent perſons, and he was entirely truſted by diverſe conſiderable families. And he uſed with his lordſhip an untainted friendſhip, which he continued after daily familiarity muſt ceaſe; for he omitted no opportunity of giving his lordſhip information, admonition, and advice, when he thought he might do him ſervice by ſuch freedoms. All which his lordſhip accepted with exquiſite candor.

and had a very great value for ſuch a friend, as he was; and how many great men reject ſuch, and divert to flatterers? Mr. Longueville was the laſt patron and friend that poor old Butler, the author of Hudibras, had, and, in his old age, he ſupported him. Otherwiſe he might have been literally ſtarved. All, that Butler could do to recompenſe him was, to make him his heir, that is, give him his remains; but in looſe papers, and indigeſted. But Mr. Longueville hath reduced them into method and order; and ſome of them have been ſince printed. It might have been better perhaps if they had never ſeen the light; for, under a variety of ſurpriſing wit, and lively conceit, there is couched but an aukward morality.

Of Sir John King, his oratory and ſucceſſes.

This Mr. Longueville firſt introduced to his lordſhip's acquaintance the moſt florid and accompliſhed gentleman of the law, as, in the courſe of his practice, he appeared to be, Sir John King. His beginning was in general learning, having his face directed towards the church; and, ſo far as polite literature reached, he was accompliſhed, being maſter of Tully and the Latin oratory. He left the univerſity, and applied to the law. His firſt practice was before the judicatory for the rebuilding of London after the fire. There he made himſelf known, and, as that court conſumed its buſineſs, he crept into better in Weſtminſter-Hall, and was ſoon let into the wheel of

preferment; that is, by being put into ſome minor attorneyſhip, as of the queen, or duke, I remember not which: but he became the top practiſer in the court of chancery; for he was cut out by nature, and formed by education, for that buſineſs. He had the moſt of an orator, and was withal the moſt polite and affable gentleman that I ever knew wear a gown. His principal care was to be inſtructed, and then his performance was eaſy. All his misfortune lay at home, in a perverſe conſort, who always, after his day-labour done, entertained him with all the chagrin and peeviſhneſs imaginable; ſo that he went home as to his priſon, or worſe; and when the time came, rather than go home, he choſe commonly to get a friend to go and ſit in a free chat at the tavern, over a ſingle bottle, till twelve or one at night, and then to work again at five in the morning. His fatigue in buſineſs, which, as I ſaid, was more than ordinary to him, and his no comfort, or rather, diſcomfort, at home, and taking his refreſhment by exciſing his ſleep, ſoon pulled him down; ſo that, after a ſhort illneſs, he died.

Of Sir Charles Porter, and the ſtrange adventures of his life.

His lordſhip had one friend, that uſed to frequent him much, and was greatly countenanced by him. It was Mr. Charles Porter, who, in the reign of King William, was made lord chancellor of Ireland, where he died. This perſon had run a ſtrange courſe of variety in his life. He was the ſon

of a prebend in Norwich, and a 'prentice boy in the city in the rebellious times. When the committee houſe was blown up, he was one that was very active in that riſing, and, after the ſoldiers came and diſperſed the rout, he, as a rat among joint-ſtools, ſhifted to and fro among the ſhambles, and had forty piſtols ſhot at him by the troopers that rode after him to kill him. In that diſtreſs, he had the preſence of mind to catch up a little child that, during the rout, was frighted, and ſtood crying in the ſtreets, and, unobſerved by the troopers, ran away with it. The people opened a way for him, ſaying, *Make room for the poor child.* Thus he got off, and, while ſearch was made for him in the market-place, and thereabouts, got into the Yarmouth ferry, and, at Yarmouth, took ſhip and went to Holland, there being an opportunity of a ſhip then going off; and he was ſcarce out at ſea before the purſuit came down after him; ſo narrowly he eſcaped hanging at that time. In Holland he trailed a pike, and was in ſeveral actions as a common ſoldier. At length he kept a cavalier eating houſe; but, his cuſtomers being needy, he ſoon broke, and came for England, and, being a genteel youth, was taken in among the chancery clerks, and got to be under a maſter, in which employment he laid a foundation for practice in that court, beginning with drawing; and afterwards, he applied to the bar

His induſtry was great, and he had an acquired dexterity and ſkill in the forms of the court; and although he was a bon companion, and followed much the bottle, yet he made ſuch diſpatches as ſatisfied his clients; eſpecially the clerks, who knew where to find him. His perſon was florid, and ſpeech prompt and articulate. But his vices, in the way of women and the bottle, were ſo ungoverned, as brought him to a morſel; and he did but juſt hold up his head, with all the advantages that fell to his ſhare; which were very great: for when the Lord Keeper North had the ſeal, who, from an early acquaintance, had a kindneſs for him, which was well known, and alſo that he was well heard, as they call it, buſineſs flowed in to him very faſt, and yet he could ſcarce keep himſelf at liberty to follow his buſineſs. The beſt account of which ſtrange conduct, is that he was careleſs, and joined with others in taking up monies; and ſo carried on a jolly way of living. At the revolution, when his intereſt fell from, and his debts began to fall upon him, he was at his wits end. And ſome, knowing his caſe, and pitying him, (for, at large, he was indeed a very honeſt fellow) recommended him as a plauſible man, fit to be lord chancellor of Ireland; and accordingly he was knighted, and ſent over. There he lived ſome years, and, in that place, concluded his days little better than inſolvent.

It is not to be wondered at that this fair conditioned gentleman of the chancery order ſhould be acceptable to his lordſhip; for, barring his private failings, and no leſs ſecret debts, his character for fidelity, loyalty, and facetious converſation, was without exception; and his lordſhip knew little of his ſecret ways to give him a diſguſt to his perſon, who alſo had the good fortune to be beloved by every body. I have remembered thus much of a gentleman that underwent all extremity of good and evil fortune; whereof the particulars, that are not of my own knowledge, I had from his own mouth, in very ſerious converſation. All which is worthy to be known; and the rather, becauſe he had that magnanimity, and command of himſelf, that no ſurpriſe, or affliction, by arreſts or otherwiſe, could be diſcerned either in his countenance, or ſociety: which is very exemplary; and, in caſes of the perſecuting kind, as injuſtices, and the malice of powers, heroical in perfection.

Hale's errors cauſed the conſideration of fiſhes bladders.

The Lord Chief Juſtice Hales, a profound common lawyer, and both devotionair and moraliſt, affected natural philoſophy, as I have already obſerved of him. But here I ſhall take notice only of a book he put out entitled, *Of the Non-gravitation of Fluids*. His lordſhip did not approve of his doctrine, but wondered that a man, of his great ability in other things, ſhould lapſe ſo childiſhly into error, as, in that book, he ſhewed

himſelf guilty of. But the peruſal of it put him upon a ſtricter conſideration of hydroſtatics, than he had been uſed to before. And, among the many inſtances he thought of for illuſtrating the preſſure, or gravitation, of fluids, he fell upon the conſideration of the bladders of fiſhes; what effect they had, and by what means. He concluded that the contracting and dilating of the bladder, whether by a muſcular action, or the more or leſs compreſſion of the water, and perhaps both, cauſed the fiſh to riſe, or ſink, or reſt in the water, without any action of the fins. It was alledged, againſt this, that there is no time when the fiſh doth not make uſe of her fins; but whoever obſerves them, even in their moſt quiet ſtate, ſhall diſcern their fins more or leſs movent and employed. This may be no labour or pains to the fiſh, as under any conſtraint, more than it is to us, by virtue of our muſcles, to ſtand, or ſit, upright; but it is an action, in a manner, involuntary, and that attends common life, and neither we, nor they, perceive it. Thus the matter uſed to be debated between him and his neareſt friends; but he yielded nothing, but was continually more ſatisfied of his own notion. At length it was agreed that each party ſhould draw up their reaſons, and ſend them to Mr. Oldenburgh, the publiſher of the Philoſophical Tranſactions, as to a publick notice. His lordſhip's paper is to be found in Mr. Lowthorp's Abridg-

ment, vol. 2, p. 845. to which I refer the reader.

Approved by the virtuoſi.

It appears, in Mr. Lowthorp's collection, that his lordſhip's hint was laid hold of, and approved, by the virtuoſi of the time; particularly by Mr. Boyle, and Mr. Ray, who, in papers there entered, have purſued thereupon. I have not found that any of them knew who was the author of this paper. His lordſhip ſought no fame, nor commendation, but information only. Therefore he did not add his name; which he would not have to be toſſed, whatever became of his notion.

Anſwered Sir Samuel Moreland's ſtatick barometer on a challenge.

About this time, the philoſophical world was entertained about ſettling the grand affair of the mercurial barometer, and its indications. Among the reſt, Sir Samuel Moreland publiſhed a piece, containing a device to prolong the indicatory ſpace from three inches, as in common tubes, to a foot, or more, as you pleaſe; and he defied all the virtuoſi to reſolve it. This he called a ſtatick barometer; for it was contrived by ſuſpending a common tube at one end of a plain ballance, and the other arm to be duly counterpoiſed, and drawn to a point directed to play againſt an arch of about a ſextant, divided into three parts; and that was to correſpond with the three inches on the plate of an upright tube. The ciſtern was a cylindrical glaſs, of more than the double diameter of the tube; and, in that,

charged with mercury, the tube, erected according to art, was immerſed; and the moving of the mercury in the tube, higher and lower, was of no regard, but the index only. His lordſhip wrote a paper in anſwer to the knight's challenge, and conſidered this experiment according to the laws of hydroſtaticks, and concluded that the myſtery lay in the difference of ſpecifick gravity between mercury and glaſs, which may be nearly as one to twenty. The ſtanding of the mercury, in the tube, is always taken upon the diſtance of the upper from the lower ſuperficies; and, whatever happens, the mercury will find that diſtance as the preſſure of the atmoſphere requires. He conſidered alſo that the quantity of mercury, and the quantity of the glaſs tube, not immerſed, taken together, were the ſum of the whole weight above the ſtagnum, ſuppoſed to make an equilibrium againſt the counterpoids. This ſtanding level, and the index pointing (for example) to 29½ inches, if the variation of the preſſure comes to require a 30 inch column, then ½ inch mercury in weight is added on that ſide. This muſt draw down the tube into the ſtagnum, till ſo much of the glaſs tube is immerſed, as ſhall anſwer that increaſe of weight; and then the index riſeth, becauſe the tube and the mercury tend down into the ſtagnum. But as the glaſs goes down, the mercury ſeems to riſe in the tube; for the column will

always, as I ſaid, anſwer the preſſure, whether the tube goes up or down. His lordſhip conſidered alſo that the ſpecific weight of glaſs is ſo much leſs than that of mercury, that the glaſs tube muſt loſe two or three inches to countervail one half, or perhaps one quarter of an inch of mercury, whether ſinking into the ſtagnum, or emerging from it, and ſo in proportion, as it ſhall happen: which makes the oppoſite arm, with the index, make larger ſweeps than the riſing and falling, in common tubes, ſhew. His lordſhip conſidered farther, that the ſtagnum not being very wide, as the tube ſunk, the mercury there roſe and ſwallowed the glaſs faſter than, if wider, it would do; and that it ought to be ſo adjuſted, for quantities of mercury and glaſs, that the arm ſhall not play much above or below the level, which, otherwiſe, would create ſome impediment, if not inequality, in the motion; and laſtly, that the arch muſt be graduated mechanically; for the meaſures muſt be taken as they happen, and will not be adjuſted by calculates. It is obvious how, by this means, the beam moves, and ſtands in continual balance, and the index ſhews the barometrical action, by the arched and graduated plate, with advantage. But, in practice, the many frictions, as of the mercury in the tube, and of the glaſs in the ſtagnum, corrupt the nicety of the inſtrument (and in time exaggerating) ſo

much, that it is not made uſe of but for ſhew.

When the virtuoſo received his lordſhip's paper, he bluſtered, and threatened a moſt powerful anſwer, but never was ſo kind as to ſend any. On the contrary, he took an opportunity to wait on his lordſhip, and they became good philoſophical friends and acquaintance; and once, upon an invitation, his lordſhip dined with Sir Samuel at his houſe; and though his entertainment was exquiſite, the greateſt pleaſure was to obſerve his devices; for every thing ſhewed art and mechaniſm. A large fountain played in the room, and all the glaſſes ſtood under little ſtreams of water. He had a ciſtern in his garret, which ſupplied water to all parts of his houſe, as he thought fit to contrive it. The water was raiſed by a common pump (as it ſeemed to be) in his yard: but, going to liſt the ſweep, it roſe (as it were) of itſelf; for it was prolonged beyond the tree, and there had a counterpoiſe of lead; which made the ſweep move as the beam of a ſcale: and wherever there was like to be a friction, a roulet was placed to receive it. In like manner, windows, doors, hinges, and chimnies ſpoke the owner to be an artiſt: and his utenſils abroad had the ſame taſte. His coach was moſt particular; and he made a portable engine, that moved by watchwork, which might be called a kitchen; for it had a fire-place and grate, with

The anſwer ſent, which was followed by an acquaintance. His devices.

which he could make a ſoup, broil coſteletts, or roaſt an egg; and, for that, his contrivance was by a fork with five tines (as I may call it) which ſtood upright at a due diſtance before the firegrate, and turned ſlowly. An egg, put into that, would roaſt according to art; and if a piece of meat were ſtuck upon it, it was dreſſed by clock-work. He ſaid himſelf that this machine coſt him 30*l.* He took it with him in his own coach, and, at inns, he was his own cook. But to conclude with a capital invention of his. When he was told that the Lord Keeper North was dead, he aſked of what diſeaſe? It was anſwered, of a fever. *It is ſtrange*, ſaid he, *that a wiſe man, as he was, ſhould die of a fever. How*, ſaid the other, *ſhould a wiſe man prevent it? By doing as I do*, ſaid he; *that is to go to bed with a glyſter-pipe always in my reach; and that is a box to hold the liquor, the lid of which is a plug that ſcrews down and evacuates it: and from the box proceeds a flexile pipe with the tool at the end; by which, at any time, when I find myſelf not well, I give myſelf a clyſter. Whereas others are forced to ſend for help; and, in that delay, a fever lays hold, which might have been ſuppreſſed at firſt.*

The means of barometers being firſt ſold in ſhops.

His lordſhip was much affected by the diſcoveries, which fell in the conſequences of the torricellian experiment; whereby a new world of air, compreſſing every thing it touches, is revealed. He could not but

obſerve a manifeſt connection between the alterations of the mercurial ſtation, and the courſe of the winds and weather; but could not fix in his mind any certain rules of indication, but rather the contrary, viz. that events failed as often as correſponded with the ordinary expectation. But yet he would not give it over for deſperate, and hoped that a more general obſervation might generate a better prognoſtick of the weather from it, than was yet known. And that muſt be expected from a more diffuſed, if not an univerſal, uſe of it, which could not then be thought of; becauſe the inſtruments were rare, and confined to the cabinets of the virtuoſi; and one was not to be had but by means of ſome of them. Therefore his lordſhip thought fit to put ſome ordinary tradeſmen upon making and ſelling them in their ſhops; and accordingly he ſent for Jones, the clock-maker in the Inner-Temple Lane; and, having ſhewn him the fabrick, and given him proper cautions in the erecting of them, recommended the ſetting them forth for ſale in his ſhop; and, it being a new thing, he would certainly find cuſtomers. He did ſo, and was the firſt perſon that expoſed the inſtrument to ſale publickly in London. But his lordſhip, perceiving that his buſineſs lay in other operations, he was more uſed to, and that he began to ſlight theſe, ſent for Mr. Winn, a famous inſtrument-maker over-againſt his houſe in Chan-

cery-Lane, and did the like to him, who purſued the manufactory to great perfection, and his own no ſmall advantage; and then others took it up, and few clock-makers, inſtrument-makers, cabinet-makers, and diverſe other trades, were without them always in their ſhops, ready for ſale: and all moving from the firſt eſſays, as I related, ſet on foot by his lordſhip. He was a true lover of arts; and as well for the encouragement of that Mr. Winn, as for his own ſpeculative humour (for he had not time to practice drawing) he cauſed a caſe of mathematical inſtruments to be made by him, which are yet extant, and coſt fifty pounds; and nothing of the kind can be made by the hands of men, more nice, elegant, and curious than thoſe are.

His lordſhip's excellence, uſe, and delight in muſick.

Now, to illuſtrate his lordſhip's inclination to ingenious arts and ſciences, I have two ſubjects to enlarge upon. 1. Muſick. 2. Picture. As for his muſick, I have already mentioned his exquiſite hand upon the lyra and baſs-viol, and the uſe he made of it to relieve his ſolitude in his chamber. He had a deſire to uſe alſo the theorbo and violin. He ſcarce attempted the former, but ſupplied the uſe of it by the touch of his lyra viol upon his knee, and ſo gained a ſolitary conſort with his voice. He attempted the violin, being ambitious of the prime part in conſort, but ſoon found that he began ſuch a difficult art too late, and

his profit alſo ſaid nay to it, for he had not time for that kind of practice. It was great pity he had not naturally a better voice; for he delighted in nothing more than in the exerciſe of that he had, which had ſmall virtue but in the tuneableneſs and ſkill. He ſang any thing, at firſt ſight, as one that reads in a new book, which many, even ſinging maſters, cannot do. He was a great proller of ſongs, eſpecially duets; for, in them, his brother could accompany him; and the Italian ſongs to a thorough baſs were choice purchaſes; and, if he liked them, he commonly wrote them out with his own hand. And I can affirm that he tranſcribed a book of Italian ſongs, into a volume of the largeſt quarto, and thicker than a common prayer book. And this was done about the time he had received the great ſeal; for, if he would diſcharge his mind of anxieties, he often took the book of ſongs, and wrote one or two of them out. And, as he went along, he obſerved well the compoſition and elegancies, as if he, not only wrote but, heard them; which was great pleaſure to him.

A compoſer of comfort muſick.

His lordſhip had not been long maſter of the viol, and a ſure conſortier, but he turned compoſer, and, from raw beginnings, advanced ſo far as to complete diverſe concertos of two, and three parts; which, at his grandfather's houſe, were performed with maſters in company; and that was no ſmall

joy and encouragement to him. But it was not to be expected he ſhould ſurmount the ſtyle and mode of the great muſick maſter Mr. Jenkins, then in uſe where he came: and, after his capacity reached higher, he had no time to be ſo diverted. Yet, while he was chief juſtice, he took a fancy to ſet to muſick, in three parts, a canzon of Guarini, beginning thus, *Cor mio del, &c.* In that, he aimed to compaſs what he thought a great perfection in conſort muſick; ordering the parts ſo that every one ſhall carry the ſame air; and, however leading or following, the melody in each part is nearly the ſame; which is, in compoſing, no eaſy taſk.

Author of a philoſophical eſſay of muſick, and his notion.

Not many years before his lordſhip was preferred to the great ſeal, he fell upon a pleaſing ſpeculation of the real mechaniſm whereby ſounds are diſtinguiſhed into harmony and diſcord, or diſpoſed to pleaſe or diſpleaſe our ſenſe of hearing. Every one is ſenſible of thoſe effects, but ſcarce any know why, or by what means they are produced. He found that tones and accords might be anatomiſed, and, by apt ſchemes, be preſented to the eye as well as the ear, and ſo muſick be demonſtrated in effigie. After he had digeſted his notions, and continued his ſchemes, he drew up a ſhort tract, which he entitled, *A Philoſophical Eſſay of Muſick;* not with the form and exactneſs of a ſolemn writer, but as the ſenſe of a man

of buſineſs, who minds the kernel and not the ſhell. This was printed by Mr. Martin, printer to the Royal Society, in 1677. The piece ſold well, and, in a few years, it was out of print, and ever ſince is ſcarce to be met with but in private hands. If I may give a ſhort account of his lordſhip's notion, it is but this. All muſical ſounds conſiſt of tones, for irregular noiſes are foreign to the ſubject. Every tone conſiſts of diſtinct pulſes, or ſtrokes, in equal time; which, being indiſtinguiſhably ſwift, ſeem continual. Swifter pulſes are accordingly (in ſound) ſharper, and the ſlower, flatter. When diverſe run together, if the pulſes are timed in certain proportions to each other, which produce coincidences at regular and conſtant periods; thoſe may be harmonious, elſe diſcord. And, in the practice of muſick, the ſtated accords fall in theſe proportions of pulſation, viz. $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{5}$, $\frac{1}{6}$. Hence flow the common denominations of 8^{va}, 5^{th}, 4^{th}, 3^{d}, o^{d}; and theſe are produced upon a monochord by abſciſſion of theſe parts $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{5}$, $\frac{1}{6}$, of all which the fuller demonſtration is a talk beyond what is here intended.

Notation of harmonious pulſes and numbers.

But to accompliſh an ocular repreſentation of theſe pulſes, his lordſhip made a foundation upon paper by a perpetual order of parallel lines; and thoſe were to ſignify the flux of time equably. And when a pulſe happened, it was marked by a point upon

one of thoſe lines, and, if continued ſo as to ſound a baſe tone, it was marked upon every eighth line; and that might be termed the baſe. And then an upper part, which pulſed as ½, or octave, was marked (beginning with the firſt of the baſe) upon every fourth line, which is twice as ſwift: and ſo all the other harmonious proportions, which ſhewed their coincidences, as well with the baſs as with one another. And there was alſo ſhewed a beautiful and uniform aſpect in the compoſition of theſe accords when drawn together. This as to times. The ordinary collation of ſounds is commonly made by numbers, which, not referred to a real cauſe or foundation in nature, may be juſt, but withal very obſcure, and imparting of no knowledge. Witneſs the mathematicians muſical proportion. His lordſhip did not decline numbers, but derived them from plain truths. He found 360 the apteſt for thoſe ſubdiviſions that muſick required; and, applying that to an open ſtring, or monochord, each muſical tone, found by abſciſſion of a part of the ſtring, is expreſſible by thoſe numbers ſo reduced in proportion. As ½ of the ſtring pinched off is as ⅞ or 180, an octave; and ⅔ as ⅝ 240; and ſo of the reſt down to the tone, or ſecond, which cuts off ⅛, and the ſemitone a $\frac{1}{16}$ &c.

The ſubject notably pur-

The virtuoſi ſoon took up this little piece, and, during the nine days wonder, were very

buſy about it. Mr. Matthews of Sidney college in Cambridge, was ſo affected that he made a perpetual comment upon it, and took much pains to explain the doctrine of pulſes by experiments; but theſe profers are all miſlaid, or loſt. I have been informed that Mr. Matthews left ſuch, but could never find in whoſe hand. The ingenious Mr. Hook put this ſcheme of muſick into clockwork, and made wheels, with ſmall lingulæ in the manner of cogs, which moving, each upon its pin, as the wheel turned, ſtruck upon an edge, one after another, equably; the wheel turning ſlow, the pulſes were diſtinguiſhable, and had no other virtue; but then, turning ſwifter, the diſtinction ceaſed, and a plain muſical tone emerged. This for one. Then, another wheel was contrived to ſtrike three to two (for inſtance) and as the diſtinction began to fail, and continuation to take place, we might hear a conſort 5th coming on, and ſettling in the manifeſt accord ſo named. Sir Iſaac Newton, in anſwer to an enquiry what he thought of this piece, did not come into the ſolution of harmony by coincidences, which he ſaid, and truly, cannot be the ſame to all ears (as the accord is) in diverſe poſitions; but, as his way hath been to refer to qualities, he ſtyled an uniſon to be an harmonious conſent; by which one underſtands nothing. But, as to coincidences, if they are ſo at the inſtruments, the

fued by the virtuoſi.

virtue is diſpoſed *quaquaverſum*, while the waves of the ſounds enlarge every way, and the ear is affected with the order of them wherever it is planted. In 1682 Dr. Wallis publiſhed his Ptolemy, and ſubjoins a notable appendix of muſick ancient and modern, and purſues his lordſhip's ſcheme, but in a different manner. In 1694, Dr. Holder's piece came out; but ſo puzzled with numbers that it is uneaſy to read; and he makes great ado about dividing tones major, tones minor, dieſes and commas, with the quantities of them; as moſt authors have done. All theſe works, as I judge, were ſpirited up by his lordſhip's eſſay, which came out long before them. And, ever ſince, the philoſophy of muſick hath been more courted than formerly.

Judge of picture and perſpective.

The other head of his lordſhip's entertainment is picture; a word I chooſe rather than painting; for, of that I can aſcribe nothing to him. He never took a pencil in his hand, nor attempted any kind of draught, excepting ſome mathematical diagrams, and a little of perſpective, which is a branch of the mathematicks. He had a good taſte of picture, and knew wherein the worth of them conſiſted, and ſeldom failed to point at the faults, and to declare the excellencies, of a painting, at firſt ſight. His talent was not performing, but judging; eſpecially of what flowed out of the art of perſpective, againſt which moſt faulty pieces are

offenders. No man living had a juſter idea of perſpective than he had. Which aſſertion I make good by a fragment of his writing upon a piece of paper, viz. "Perſpective "is a projection of a concave hemiſphere in "plano, with ſtreight lines; which is very "imperfect, and not tolerable in a large "ſegment of a ſphere; but will be perfect "in a hemiſphere, where the infinite diſtan-"ces terminate in a point, not only in a "horizontal line but, upwards and down-"wards, and on both ſides; and all ſtraight "lines, except thoſe which are in the croſs "diameters, are deſcribed by curves." This needs a comment, by explaining the whole art, to make it to be nicely underſtood; which I ſhall not attempt here.

Improved by the acquaintance with Sir Peter Lely.

In the ſcience of picture there is a ſkill peculiar to painters, and ſuch as practiſe draught; that is, of the ſtyle and handling, colouring, and manner of the noted maſters, whereby the profeſſors pretend to know copies from originals, and the true ſublime in picture. All which flows from perpetual obſervation, inſtruction, and variety of experience; and an artiſt's whole life is little enough for gathering a competent qualification to warrant his judgment. His lordſhip always loved to ſee variety of good pictures; but was a minor critick till his acquaintance and aſſociation with Sir Peter Lely was embraced; and then he began to ſee how little he underſtood of the matter.

Sir Peter was a well-bred gentleman, friendly and free, and, not only an adept in his art but, communicative, and had a great collection, conſiſting of pictures from the hands of the beſt maſters, and a magazine of Scizzis, and drawings of diverſe finiſhings, which had been the firſt touches, I may ſay the heart, of great deſigns and models, beſides prints of the beſt gravers. His lordſhip had free acceſs to theſe, which, with the occaſional comments of that great artiſt, were ſufficient to eſtabliſh (if not a critick) a true lover of painting.

How the acquaintance commenced between them.

The introduction to this acquaintance was by means of Sir Peter Lely's chief virtuoſo friends about the court. For, after he was grown rich, and had children, he often complained of the want of ſome good friends, who might adviſe and aſſiſt him about ſettling his eſtate, that his children might be ſure to enjoy what he ſhould leave behind him. One of them aſked him why he did not get acquainted with Mr. Attorney-General, who was the fitteſt perſon in England for his purpoſe; and he offered to bring Mr. Attorney one night to ſup with him. This was no ſooner ſaid than done; and, from that time, the friendſhip betwixt them was ſtruck up. What advantages either ſide had thereby, will be mentioned in a proper place. How his lordſhip continued his favour and friendſhip to his ſon after his death, will appear when I come to

ſhew the part he acted in a more exalted character; and that is, benevolence to all mankind, to which I now proceed. Wherein I ſhall demonſtrate, from numerous inſtances, his univerſal inclination to do good to all men, according as worthy inſtances offered themſelves.

I muſt begin at the lower form, which was his taking notice of young perſons: he was no ſooner arrived at man's eſtate, and a ſhifter for himſelf, but he became a friend to others that lay behind, and came after him; and he took a pleaſure in doing things in a manner as might beſt pleaſe and divert them; particularly his younger brothers, who, by way of fund for petit recruits of money, at all interviews uſed him as their own. And thereby he ſhewed his intrinſick good nature; for, if actions are to be prized by their effects, the greateſt bounties among men have not a ſublimer effect of joy, than ſuch liberalities to young ſcholars. But then he exacted a ſevere retribution of hard queſtions, and puzzling fallacies of the literate kind, put upon them, as was touched elſewhere; but they, with the prudence of their betters, pocketed up all ſuch wrongs. *Kind to young people and liberal.*

His lordſhip had an opportunity of doing one generous act, with a *continuando* during all the reſt of his life. It was taking care of the head of his family, as the northern men ſtyle the elder branch, or lineal heir of the old ſtock. This was Mr. Robert *His care of the elder branch.*

North, eldeſt ſon and heir of Sir Charles North of Walkeringham in the county of Nottingham. Edward Lord North, the firſt baron of his lordſhip's family, was a younger ſon of old Sir Charles of Walkeringham. But (waving pedigrees) this gentleman's father was a cavalier, and perſecuted in the rebellious times, and, after the reſtauration, or thereabouts, was made high ſheriff of the county. His under-ſheriff proved an inſolent knave, and his ſecurity inſufficient, whereby great troubles and loſſes fell upon him; and he died leaving his family in a deplorable condition. He left but one ſon, this Mr. Robert North, but diverſe daughters, and about ſixty pounds per ann. clear eſtate to provide for them all. The ſon had been well bred at ſchool, and could write well, and was ſo good-natured as to conſider that, if he ſtaid at home, without ſome beneficial employment, his ſiſters muſt want. Thereupon he took a reſolution to go abroad and ſeek his fortune, leaving all he had to his ſiſters to make the beſt for themſelves they could out of it, and thought not of more for himſelf than he could gather by his induſtry.

The young man's character and behaviour as his lordſhip's father's clerk.

Coming to London, what with writing, and other officious ſervices, as by ſome acquaintance and recommendation he found means, he poorly ſubſiſted. It happened that Sir Dudley North, his lordſhip's father, wanting a clerk for his juſtice-buſineſs in the

country, took this young man, who was recommended for a good writer, faithful and induſtrious. There was not at that time, and for diverſe years after, any relation of him, to that family, known; but his behaviour made him eſteemed by Sir Dudley North to the degree of a favourite. His deſign was to keep himſelf concealed, and to bear his misfortunes within himſelf, as well as he could. But he lived under a continual reſentment and melancholy, ever complaining of inward infirmities, without ſaying what; and the family gave him for gone of the ſpleen. And in truth, even after his circumſtances were mended, that infirmity had taken ſuch root in him that it became habitual, and he could not ſhake it off as long as he lived. So dangerous is it to let imaginations get the upper hand long together. Sir Dudley North obſerved ſuch ſtrong tokens of an inward diſcontent, that he could not forbear urging him to ſay if any thing, relating to his ſervice, was uneaſy to him, and he would take care it ſhould be remedied. No, all was exceeding well, and his place better than he ever hoped for or deſerved. And Sir Dudley North ſo often urged him upon theſe points, and particularly of his country, family, education, and the like, till he had extorted from him that he was the eldeſt ſon of the Walkeringham family; and, from that time, he was owned as of the elder houſe, and lineal right heir of

the family, and treated with all poſſible reſpect and ſervice. But ſtill he kept his poſt, and made no ſign of any deſire of a better.

Courſe of this gentleman's advancement.

During this time, his lordſhip advanced in his profeſſion, and was made judge of the royal franchiſe of the Iſle of Ely, and at his firſt aſſizes (with leave of his father) took this gentleman with him, and made him his chief officer, and ſent him home with good 30*l.* in his pocket; for which kindneſs Sir Dudley heartily thanked his ſon Frank, as for ſo much done perſonally to himſelf. But this was an earneſt of more to come after; for when his lordſhip was made attorney general, he deſired his father would part with him, to come up and take the place of chief clerk under him, which was called of the confeſſions. And it was not without the greateſt reluctance that he yielded to it; and no inducement, leſs than his beloved clerk's preferment, which of all things he deſired, would have prevailed upon him to conſent. But, after that, there was a notable ſtir to make the gentleman remove; and I was employed to work him to it. His ſpleen had ſuch faſt hold of his intellect, that he could not conceive better than that, if he removed to London, he ſhould fall ſick, and die by the hands of a nurſe, who would pluck away his pillow to get his cloaths. But we got the better of him to accept of no ſmall preferment, and in the high way to greater; aſſuring him that he ſhould have ſo much

profitable buſineſs as not to dream of nurſes, or any thing elſe, but getting of money; and ſo the mouſe was prevailed upon to enter into the Parmeſan cheeſe. When his lordſhip was chief juſtice of the Common Pleas, he made his couſin North his clerk of the treaſury, and, when he was lord keeper, the ſame kinſman carried the ſeal. His lordſhip uſed him in his moſt private and uncheckable truſts, and would have treated him with more familiarity; but he abſolutely withdrew himſelf from it, and would be no other than a ſervant, as long as his lordſhip lived. After he was dead, he took his habitation in St. Giles's pariſh; and all along was careful to provide for his ſiſters and their children, as well as he could. But there his ſpleen got ground of him; and, having often ſurveyed the church-yard, and the various ſituations of it (a melancholy employ) he ſhewed his friends where he deſired to be buried; and, before his death, often fed his ſpleen with walking to and fro to viſit the place of his future reſidence; and, in about four or five years time, after the death of his moſt honoured patron, he was (by the care of ſome relations that he had taken home to him) put in full poſſeſſion of it. It may ſeem, to many, that, for the preſent purpoſe, this relation is too long (for impertinent it is not). But I conſidered that the redundance, ſuch as it is, may be indulged as a worthy

remembrance of a moſt luculent example, in which may be ſeen a due reward of exquiſite worth, integrity, piety, patience, and perſeverance, ſhining in the courſe of this excellent perſon's life; who, with leſs notice than here is taken of him (with the matchleſs pattern of his moſt recommendable character and ſucceſſes) would be as much loſt, and, to all future times unknown, as the place where now his mortal remains lie.

Care of the Mordaunts, and Trochees, relations.

There was a family of the Mordaunts in Bedfordſhire fallen into decay, to whom his lordſhip had a relation by his grandmother, who was of the Brocket family. The eldeſt, and only, ſon was left with an eſtate, but incumbered almoſt to full value, and which, without being ſpeedily redeemed, muſt have been utterly loſt. When his lordſhip was chief juſtice, he ſent for the young man, and made him his crier. He bought of him the equity of redemption of his eſtate, and, having (as his deſign was) ſold it again to Sir Creſwell Levinz, paid all the young man's debts, gave him a full account, and paid him the overplus. But this frantic fellow took tetch at ſomewhat, and run away into Ireland. His lordſhip diſpatched one of his domeſtics after him, who had the good luck to find him out, and bring him, pennyleſs, home. His lordſhip did all he could to find out what was the cauſe that made him deſert a good place, but could not. However he reinſtated,

and encouraged him all he could; but nothing would do; and he was finally ruined and loſt. There was another family, of the ſame relation, whoſe name was Trochee, numerous, and in great want. He took one ſon to be his lady's page, and others he got bound out to trades, or put in a way of living well, if they had pleaſed to conform. But a wild, or idle ſpirit poſſeſſed them, and what was done for them proved abortive.

Kindneſs to Mr. Gilbert North, a natural relation.

One gentleman, named Gilbert North, had his lordſhip's favour; and if his own perſonal failings had not worked counter to all his lordſhip's intentions towards him, he might have made himſelf conſiderable; but *ex quolibet ligno, &c.* He was a baſtard ſon of Gilbert North, his lordſhip's father's great uncle, by one that was called my Lady Venner. She married a pettyfogger, one Smith of Berkſhire, who bred up this youth towards the law, by putting him into the ſociety of the Middle Temple. His lordſhip took notice of him, and gave him all the encouragement he might. When his lordſhip was reader, he made him his ſub-reader, which ſhewed him to the ſociety, and to men of his profeſſion; and to qualify him for buſineſs, ſo as to pick up a little; (for he had no manner of eſtate or proviſion) he was called to the bar, and his lordſhip beſtowed plentiful advices upon him. But once he was very much ſurpriſed; for he aſked the young man (then a barriſter) if he

underſtood law French; he ſaid *No*, but he intended ſoon to make himſelf maſter of it. From thence-forward all his lordſhip's hopes of him were vapid. But yet he continued a ſort of occaſional bounty to him, and, when he had the great ſeal, he billeted him 60*l.* per annum deep upon an office; which was duly paid him, and juſt ſerved him, in the Fryers, where he had taken up his reſt, to keep him from ſtarving. After his lordſhip's death, he periſhed, leaving his funerals for a legacy to the pariſh. I have here drawn out an account of this gentleman's ſtupid temper, to ſhew what a miſerable caſe it is when men, having meat ſet before them, will not lift up an hand to taſte it, but periſh for want. Many men would have given a round ſum of 2000*l.* or more, to have ſtood in his place. So we have bad, as well as good, examples, to inſtruct ſuch as are pleaſed to mind them.

Like to the Chutes, younger brothers, and near relations.

There was a family, nearly related to his lordſhip, whoſe name was Chute, where two younger brothers, his aunt Dacres's grandchildren, were left without any family proviſion, and had been gratuitouſly educated by their grandmother; but wanted to be put into the world, ſo as to ſhift for themſelves. His lordſhip placed the eldeſt of them with Dr. Brevint, a French refugee, and prebend of Weſtminſter; where, by the family converſation, as well as ſome inſtruction, he might acquire a ready uſe of the

French tongue, in order for a poſt he had deſigned for him, as ſoon as he was capable. His lordſhip furniſhed him with money to pay for his reſidence there; and, after ſix months, finding him fit, recommended him to a clerkſhip under ſecretary Jenkins; and, at the coronation, made him the prothonotary of the court of claims; which preſented his cabinet with near three hundred guineas; and, during this time, and until (by the death of his elder brother) the capital eſtate of the family fell to him, allowed him 30*l.* per annum. This gentleman hath ever ſince, upon all occaſions, continually expreſſed his grateful acknowledgements for all this noble patronage, without which he had ſuffered large decadences both of mind and body. The younger brother, being the grandmother's favourite, was by her placed at the Middle Temple. But, withal, he received great encouragements from his lordſhip, by preſents of twenty and thirty guineas at a time, till a good match was found for him, and, by friendſhip and money, he was liſted into an opulent office in the law; and his grandmother, dying, had left all ſhe had to him. His lordſhip never cared to feed idle people; but, if capable and induſtrious, he would always, if it lay in his power, find means to plant them in a way of employment; and his benevolences were, for the moſt part, directed with ſuch views.

Unſpeakable kindneſs to a younger brother.

But theſe are remote inſtances; I ought to come nearer home, and take an account of his benevolences to his paternal relations. His youngeſt brother (the honourable Roger North) was deſigned, by his father, for the civil law, as they call that profeſſed at Doctors Commons, upon a ſpecious fancy to have a ſon of each faculty or employ uſed in England. But his lordſhip diſſuaded him, and adviſed rather to have him put to the common law: for the other profeſſion provided but for a few, and thoſe not wonderful well; whereas the common law was more certain, and, in that way, he himſelf might bring him forwards, and aſſiſt him. And ſo it was determined. His lordſhip procured for him a petit chamber, which coſt his father 60*l.* and there he was ſettled with a very ſcanty allowance; to which his lordſhip made a timely addition of his own money: more than all this, he took him almoſt conſtantly out with him to company and entertainments, and always paid his ſcot; and, when he was attorney general, let him into a partnerſhip in one of the offices under him; and when his lordſhip was treaſurer, and this brother called to the bar, a perquiſite chamber, worth 150*l.* fell; and that he gave to his brother for a practiſing chamber, and took in lieu only that which he had uſed for his ſtudies. When his lordſhip was chief juſtice, he gave him the countenance of practiſing under him at *nisi prius*; and all

the while his lordſhip was an houſekeeper, his brother and ſervant were of his family at all meals. When the Temple was burnt, he fitted up a little room and ſtudy in his chambers in Serjeant's-Inn, for his brother to manage his ſmall affairs of law in, and lodged him in his houſe till the Temple was built, and he might ſecurely lodge there. And his lordſhip was pleaſed with a back door in his own ſtudy, by which he could go in and out to his brother, to diſcourſe of incidents; which way of life delighted his lordſhip exceedingly. And, what was more extraordinary, he went with his lordſhip in his coach conſtantly to and from the courts of *niſi prius* at Guildhall, and Weſtminſter. And, after his lordſhip had the great ſeal, his brother's practice (being then made of the king's counſel, and coming within the bar) encreaſed exceedingly, and, in about three years time, he acquired the better part he afterwards was poſſeſſed of. At that time, his lordſhip took his brother into his family, and a coach and ſervants aſſigned him out of his equipages; and all at rack and manger, requiring only 200*l.* a year; which was a trifle, as the world went then. And it may truly be ſaid that this brother was as a ſhadow to him, as if they had grown together. And, to ſhew his lordſhip's tenderneſs, I add this inſtance: Had. Once he ſeemed more than ordinarily diſpoſed to penſiveneſs, even to a degree of melancholy.

His lordſhip never left pumping, till he found out the cauſe of it: and that was a reflection what ſhould become of him, if he ſhould loſe this good brother, and be left alone to himſelf: the thought of which he could ſcarce bear; for he had no opinion of his own ſtrength, to work his way through the world with tolerable ſucceſs. Upon this, his lordſhip, to ſet his brother's mind at eaſe, ſold him an annuity of 200*l.* a year, at an eaſy rate, upon condition to re-purchaſe it, at the ſame rate, when he was worth 5000*l.* And this was all done accordingly.

O & præſidium & dulce decus meum.

Bounty to his brother Mountagu.

His lordſhip had two brothers, merchants, and was very indulgent to them both. Of the firſt, which was Dudley, we have ſpoke already. The other brother, Mountagu, from a mercantile education, was ſent out to be factor alſo at Smyrna, and his lordſhip made him the like loan, as he did his brother Dudley before; but, for his encouragement in trade, he put 1000*l.* into Dudley's hands to trade for him; to the end that his brother Mountagu might have the benefit of the factorage. But, at length, this method was found inconvenient, and like to make a great perplexity in accounts; or rather not conſonant to the rules of the Turkey company, for free merchants ought not to trade for others not free. Therefore the account was turned into an imprest at

intereſt, and reſtitution, by a due re-payment of the ſame, was made accordingly. And, as money yielded in thoſe parts, a loan from England of 1000*l.* was a penſion of value in Turkey.

Thus much for his lordſhip's brothers. It remains to ſhew him no leſs ſucceſsfully benevolent to his ſiſters; of whom only two, Elizabeth and Anne, remained unmarried. His lordſhip's father deſigned ſome ſkirts of his eſtate to be ſold, to raiſe 1500*l.* a-piece for their portions; but, no profer falling, the land was unſold. His lordſhip, by means of his acquaintance in the Lord Grey's family, found an opportunity to bring forward a match for the younger of his ſiſters, Elizabeth, with Sir Robert Wiſeman, a civilian, and dean of the arches. And this was through Mr. R. Grey's wife (Ford) who, having acquaintance with, and being much reſpected by the knight, never left till, through decent ſteps and formalities, the match was made; and his lordſhip advanced the portion. He was an old man, but very rich, and withal a moſt juſt and good natured perſon. He made no other ſettlement than, by a bond to have her portion doubled, and ſaid that, *It not being prudent to exceed the ordinary in theſe ill times, he would do no more; but he would make it double if his intentions were confined to that.* After divers years living very happily together, this gentleman left her,

Procured a match for his youngeſt ſiſter.

at his death, near twenty thouſand pounds. And it was egregious to obſerve the more than brotherly correſpondence his lordſhip maintained with Sir Robert; for he frequently made him preſents, which he contentedly ſwallowed, and adviſed him in his money matters; and not ſeldom, when he ſcrupled venturing to ſtore in ſecurities, his lordſhip took his money and paid him the intereſt. All which, together with frequent intercourſe of viſits, and friendly, I may ſay learned, converſation, for both were judges in their reſpective courts, kept the old man in good humour, ending as I have hinted.

Late for the eldeſt, both honourable and advantageous.

His lordſhip was no leſs diſpoſed to procure a ſettlement for his eldeſt ſiſter, who had, in that reſpect, ſome diſadvantage; and ſeeing that could not be done on a ſudden, and in the mean time ſhe was left alone without company, her parents old, and ſeldom viſiting, he contrived to eaſe her mind, and to make her life more comfortable. She had a great dread of being left to any dependance on her elder brother, which added to the diſcomforts of her ſolitude in the country. His lordſhip, who was an artiſt at obliging, prevailed with his parents that ſhe might be with him, and keep his wife company; and he pretended alſo that, ſince ſhe had lived ſo long ſingle, and that there was but a doubtful proſpect of any match fit for her, his lordſhip would put

into her own hands that fortune he intended to give her; and, to make all eaſy, he would become purchaſer of thoſe eſtates that were the fund for raiſing theſe portions, and clearing his father of all debts on that account. The old lord admired the generoſity of his ſon, and conſented to all; but, inſtead of 1500*l.* he would put into her hands but 1200. Hereupon ſhe was removed to London, and lived with the Lady Frances in all the content that ſhe was capable to enjoy. But, as old folks are apt to be jealous, ſo this good old lord ſuſpected that his ſon Frank intended to make his ſiſter pay for the board of her and her ſervant; which never entered into his thoughts. But when he heard that all was gratuitous, he was extraordinarily pleaſed, and ſolemnly returned his thanks to his lordſhip for his goodneſs to his ſiſter.

It was not a little propitious that this lady was ſettled under ſuch an honourable protection, as ſhe had by her brother in London, who, having her ſo near at hand, might better conduct any propoſal of a match for her, (if any ſuch came in the way) than if ſhe lived remote from him in the country. It fell out that, by means of one Mr. Henry Parker, related by his match with one of the Hydes, a propoſition was made to his lordſhip for a match of this ſiſter with the only ſon of Mr. Robert Foley of Stourbridge in Worceſterſhire. The father was, by

The match treated.

contract, ironmonger to the royal navy. That name and family ſounded rich; and this branch had its ſhare, but declining, as I ſhall ſhew. His lordſhip joined and treated for 1500*l.* portion, and a jointure of 400*l.* a year. The old father fancied that a friend at court, ſo conſiderable as his lordſhip was, might be uſeful, which, together with his lordſhip's ſkill in dealing with ſuch a touchy ſpark, drew a full conſent to all. The young man was every way acceptable, and, left to himſelf, would not have choſen one that was fifteen years older than he was. But finding that his father, by negligence, ſottiſhneſs, and deſperate projects, was in a fair way to utter ruin, he was glad, upon any terms, to get the eſtate ſettled; wherein he conſidered wiſely, as, in conſequence, plainly enough appeared. In ſhort, the marriage was ſolemniſed; and his lordſhip ordered, not only a ſumptuous dinner but, a copious ſupper at night, and all the near relations, of quality, were invited; which, in all reſpects, appeared moſt generouſly kind and honourable. The new married couple lived many years very well together; and, as old as ſhe was, ſhe had many children, lived to ſee them men and women, and, having outlived her huſband, at her death, left them all in good circumſtances. His lordſhip, finding his ſiſter's family encreaſe ſo faſt, came up to his brother Foley, and, ſmiling, *You ſee now*, ſaid he, (as he was always face-

tious) *what comes of marrying a young wife.*

This lady, with ſo little appearance, in truth proved an overgrown fortune to her huſband; for his lordſhip, for the moſt part, while the old father lived, kept them in his houſe; for the preſent maintenance was ſtraight. He was made martial in the circuits, which brought in pence; and, after his lordſhip had the great ſeal, ſecretary to the preſentations, worth (honeſtly) near 300*l.* a year; and he lived all the while, with his family, at rack and manger in the houſe. But what ſurmounted all, was the aiding him with his purſe, as well as advice and countenance, in working through a moſt perplexed adminiſtration of his father's perſonal eſtate. The old man died without a will; and his great dealings, of diverſe kinds, all in confuſion; and it was very queſtionable whether all he left, when got in, which might amount to about 10,000*l.* would ſerve to clear his incumbrances, which were ſuſpected to be as much or more. The aſſets were of diverſe kinds, ſome legal, others equitable: but the debts moſt by bonds and counter-bonds, and the creditors all in haſte to be paid. So that it was a dangerous undertaking; and moſt of his relations, who, by counter-bonds, were his greateſt creditors, were of opinion he ſhould renounce; and then, perhaps, the adminiſtration would fall into their hands; and, by that means, they

By loans, places, and adminiſtrations, he proved a great fortune.

would be ſecure themſelves. But his lordſhip encouraged him to take upon him the adminiſtration as a duty to his father, and honourable in itſelf; and ſhewed him that, taking a right courſe, he would be no loſer; and he determined accordingly. The danger lay in an unhappy point of law: for if two *plene adminiſtravits* are tried at the ſame aſſiſes, the aſſets found at one trial, will not be allowed in the next for a diſcharge of ſo much. This made the creditors all fly at him at once, each ſtriving to get the ſtart at law. The advice, in this furious caſe, was that he ſhould, in the firſt place, confeſs judgments to his kindred for the penalties of their counter-bonds, and plead thoſe judgments to all other actions againſt him, with a *non aſſets ultra;* and fraud could not be replied, becauſe there was a real debt at the bottom of each, though not ſo much. By this means he covered his aſſets from being tormented at law; and then, by a bill in chancery, he called all the creditors together to prove their debts, and take what the court ſhould order; and withal exhibited an account of all his aſſets, pretending no advantage to himſelf, or partiality to any. The creditors, ſeeing this fair proceeding, rather than to conteſt accounts, came to terms, and agreed to take ſhares, and inſtalled times of payment. This gave him time to turn himſelf, and to make the beſt of his aſſets; and, in the mean time, his lordſhip, upon ſuch

ſecurity as he could give, laid down all the money as the creditors called for it, and took, from his brother, the money as he could raiſe it; and, in the end, made an account of intereſt in and out, as the method, in ſuch caſes, is; and ſo, with above 500*l.* advantage in his adminiſtration, perfectly ſet him clear. Such a felicity is a friend at need: and what a generous principle is it to be ſuch a friend, when alſo good counſel and ſound judgment of ſafety concur?

I have here ſhewed how an half-decayed family, with a numerous brood, and worn-out eſtate, of the *North*s, by the auſpicious character of one child of ten, was re-edified; and all the reſt liſted into the world with wonderful ſucceſs; and no one of the whole pack miſcarried, or were not in all reſpects (the eldeſt excepted) mutually helpful and aſſiſtant to each other; and none of them tainted with any vice or diſhonour, nor the leaſt favour of difference, or feud, found amongſt them; but, from the firſt to the laſt, they maintained their fraternal amity and correſpondence inviolable. I ſay (not derogating from the influences of a virtuous parentele) moſt of all theſe felicities were derived upon the patronage of his lordſhip, who may juſtly be ſtyled the

Note of the family fortuned by his lordſhip one of ten children.

Columen familiæ & faſtigium domus.

But now we diſmiſs the family, and advance to his lordſhip's benevolence to others.

The hiſtory of Charles Crompton and his eſtate

There was a young gentleman, known by the name of Charles Crompton, he was bred up by Sir Henry North of Mildenhall, and ſhrewdly ſuſpected to have been his natural ſon. A wilder character of a man never was known; but, withal, he had ſome extraordinary talents, as induſtry, for example. If he fancied to write out a book, he would ſit at it as a hen upon her neſt, and deliver it with ſcarce a ſully or blot in it. He had an inexhauſtible vein of artificial nonſenſe, and, at any time, if deſired, would write a letter of ſuch incomparable ſtuff, as, from a poet, would have paſſed for wit. He had a good eſtate in Yorkſhire, and as ſoon as he was of age, he repaired to London in queſt of thoſe joys which young heirs dream of to be had there. He was ſoon ſcented by the Voltores and Corbaccios, who had fairly begun to pluck him; but he died before his eſtate was half eaten. His cuſtom was to viſit his lordſhip with view of borrowing; and his lordſhip was diverted by his amaſing extravagances of diſcourſe, and frequently lent him ſmall ſums upon his notes; but not without the ſuperfluity of good counſel. He, not only diverted but, inſtructed his lordſhip in all the rakery and intrigues of the leud town; and his own follies were his chief ſubject to rally upon, as he did with moſt lively deſcription and wit: particularly his being cheated of his beſt horſes brought up to him from the North, and bubbled into

a duel, which came off with an acquittance ſigned upon the cheat's back in the field, and was the very action which Mr. Etheredge deſcribes in his play of *Love in a Tub*. His lordſhip, perceiving this young gentleman going precipitouſly down hill to ruin, and that the ſcriveners had got hold of his eſtate, omitted no opportunity, with argument and demonſtration, to make him ſtop his career: and he promiſed to take his counſel, for he feared but two things; one was that he was Sir Henry North's baſtard, and the other that he was a rank coward, which, known in town, would diſable him to live in it. Once, in a melancholy humour, he would make his will, and his lordſhip muſt write it; which he did, and, after providing for his debts, he gave all to his ſiſter. *But*, ſaid his lordſhip, *I hope to live to ſpend it myſelf.* *Ay*, ſaid he, *write that, and add, to the wonderful improvement thereof.* This was done, and the will ſigned and publiſhed; by the title of which the eſtate is held at this day. After this, he came to his lordſhip in the habit of a London 'prentice, and declared he was a going to bind himſelf to a merchant. His lordſhip bid him conſider well, for, by his indentures, he would be bound to live chaſtly. *Ay*, ſaid he, *I have a trick for that; for I will find a merchant that hath an handſome wife, and lie with her during my time; and that will ſave my indentures.* But enough of this bizarr monſter, whom his lordſhip laboured

to preſerve, but could not. He died not long after; and what was left came to his ſiſter. The younger Sir Henry North courted her, and they ſeemed agreed, but did not marry; which was thought to proceed from a ſcruple of conſcience upon a point already hinted. However, when ſhe died, ſhe left the eſtate, incumbered as it was, to him, and he was forced to ſtand a long and ſtiff chancery ſuit with the heir at law, who inſiſted that her gift was not a benefit, but a truſt. At length, the cauſe was heard before Judge Twiſden and two maſters; and he diſmiſſed the bill, declaring that the lover deſerved more than *laborem* and *ſudorem*, or, as we ſay in Engliſh, his labour for his pains. And then his lordſhip, who had adviſed and aſſiſted throughout the proceſs of this cauſe, completed the ſervice by taking in the mortgage, and diſcharging the uſurious trade which had been driven with it, and paid the money to Sir John Duncomb, who, ſeeing only a ſhort aſſignment, indorſed, for him to ſeal, *What*, ſaid he, *is this all that Mr. Attorney requires? G—d d—mn all theſe lawyers; here's a mortgage for two and twenty parchments; and the king's attorney general to content with ſix lines.*

He obtained Sir Charles Lyttelton to the ſame ends.

His lordſhip always delighted to redeem his friends out of uſurers clutches, and ſo, without any loſs or hazard to himſelf, but by retrenching charges and travel, exceed-

ingly befriended them. And this he did for a relation on the Whitmore ſide, Sir Charles Kemiſh of Glamorganſhire. He had been very wild, and had dipt his eſtate 6000*l.* deep by mortgage to an old uſurer in London, at ſix per cent. He dealt by a ſcrivener who was an artiſt; for, beſides continuance money, he made him come to his houſe every ſix months to ſeal new deſeaſances, which encreaſed the charge at every inſtance. He complained to his lordſhip of this uſage, and had directions from him to give notice, as of courſe, to receive his money, and he ſhould have it of him at five per cent. and be at little charge in the transfer. The aſſignment was approved by the old gentleman's counſel, and engroſſed with the common covenant againſt his own acts. At the day, the old fellow came, but would not ſeal; for he would enter into no covenants. His lordſhip was ſent to, for directions, and he ordered that the money ſhould be paid, upon a common acquittance, without his ſealing, and, rather than fail, to pay it him, and keep only a private memorandum of it atteſted. The old man, ſeeing this cloſe play, and foreſeeing the conſequences which were (not taking the money) to loſe his intereſt, and be forced by decree to aſſign at his own charge, thought at laſt to ſeal the deed as it was; and there was an end. I cannot forbear, for the credit of the Welſh country, to remember a notable ſly

ard Sir Charles had, who ſolicited his money matters for him. He was a thinking careful fellow, and all tending to the good and ſafety of his *maſter*. Nothing could perſwade him but that, if intereſt was not paid at the day, his *maſter* muſt loſe his eſtate; and, on that account, he never failed to bring up the intereſt, and pay it half-yearly. How much a better man was this than a wit?

Saved Sir Peter Lely's eſtate by timely advice.

I have mentioned already his lordſhip's engagements of friendſhip with that great maſter of painting, Sir Peter Lely. His lordſhip conſidered, that if he, being a foreigner, (though naturaliſed) ſhould die, his eſtate, by reaſon of ſome circumſtances, would go to the crown, and not to his children, unleſs he made ſettlements, by deed or will, in his life-time. This ſtartled the good old gentleman, who begged that his lordſhip would put the matter in execution for him; and it was ſoon done according to his mind; and his lordſhip told him withal, that he would preſent him with a truſtee, meaning his younger brother, that ſhould be worth an eſtate to him. This timely proviſion ſaved the eſtate. How, after his death, that truſtee conducted the diſpoſal of his pictures, &c. and bred up his children, was well known by the whole nation of virtuoſos both at home and abroad. On the other ſide, Sir Peter Lely preſented his lordſhip with excellent pourtraits of him and

his relations, which are ſtill extant and of great value; and between them, this was called commuting of faculties. But it fell out unluckily that his manſion houſe at Kew-Green, being copyhold of the Duke of York's manor of Richmond, was not ſurrendered; ſo that, for reaſons hinted, that, for want of an heir, eſcheated to the lord of the manor; and a courtier ſtraight begged it, and had a promiſe. Upon this, his lordſhip's brother advanced his petition, and ſolemnly begged this eſcheat; and his lordſhip joined his requeſt for the benefit of young Lely. About this time the Duke was in Scotland, and his lordſhip was pleaſed to write to Sir John Werden, then in waiting, to prefer his requeſt to his royal highneſs; but, having no ſatisfactory anſwer, his lordſhip wrote to old Colonel Werden, more preſſing and particular. Which letter, being very expreſſive of his lordſhip's ſincerity and good will to his departed friend, as well as duty to his royal highneſs, is here ſubjoined.

" Sir,

" When Sir John Werden was in Scot- Letter to ſave
" land, I deſired him to preſent an humble to his ſon a
" requeſt to his royal highneſs on the lapſed copy-
" behalf of Sir Peter Lely's ſon. Sir John hold, the ge-
" was ſo kind as to embrace the trouble, nerosity of it.
" and wrote me word that the Duke was
" pleaſed to receive the motion very favour-

" ably, but deferred to determine any thing " upon it, until he had an account of the " thing from Sir Allen Apſley. I ſpoke with " Sir Allen, who gave me the moſt ſpecious " promiſes imaginable; but, not hearing " ſince that the matter is any way advanced, " it is my deſire that you would be pleaſed " to renew my ſuit to his royal highneſs. " The caſe, in ſhort, is this.

" Sir Peter Lely purchaſed of one Mr. " Mountney a ſmall copyhold of 19*l.* per " ann. It was holden of the Duke's manor. " After the ſurrender, and before any court- " baron, he died; ſo that he was never " admitted tenant to it. Sir Peter's ſon, " being born before marriage, cannot, by " our law, inherit, though he be legitimate " by the law beyond ſea; and Sir Peter " could not ſettle it upon him, as he did his " other eſtate, becauſe he was not admitted. " Hereupon the ſon cannot claim it. But " whether Mountney ſhall keep it, or it be " eſcheated to the Duke, may be a queſtion. " Mr. Mountney gives his pretences to the " child. The truſtees, for the child, are " very ſenſible how indecent it will be for " them to have a conteſt upon the Duke's " title, and deſire by all means to avoid it. " I have adviſed them to ſubmit to his royal " highneſs; which I make no doubt they " will do, although they tell me they have " learned mens opinions that it is no eſcheat.

" Now, ſir, whereas there be two fines

" due upon this eſtate, viz. one upon the " purchaſe, another upon the death of Sir " Peter Lely, which fines, I ſuppoſe, will be " ſet at fifty pounds, or under, if his royal " highneſs will command his ſteward to ſet " twice as much as otherwiſe the fines will " come to, it will be very gracious.

" It is my earneſt deſire that the Duke " would be favourable, and not look upon " the thing as forfeit, and the favour will " be acknowledged as if it were. I wiſh I " could be thought to merit ſuch a boon, " but my ſmall ſphere gives me no capacity; " and indeed I already owe all I have to his " royal highneſs's favour, and therefore owe " all I can do to ſerve him; from which I " ſhall never be diverted by fear, or any " other conſideration.

" Sir, I ought not to think that I have " troubled you too long, conſidering I have " another favour to beg of you, which is " that you would be pleaſed, at your leiſure, " to let me know if I may hope for ſucceſs. " By that, and your pardon for this trouble, " you will extremely oblige, &c."

I have given this letter in the very words, becauſe, if it is well conſidered, it will appear to be candid, reſpectful, and, for the purpoſe, charming. But this inſtance verifies the opinion ſome had of his lordſhip, that he was no courtier; for when did any ſuch ever ſpend their own intereſt in procuring

a boon for a friend? and much leſs when it is for a child, on account only of friendſhip had with its deceaſed parent, whence no return is to be expected but the conſcience of having done a generous action.

Uſed means to ſave a forfeited eſtate to a poor family.

His lordſhip endeavoured to preſerve a livelihood to a poor woman: it was one Mrs. Jackſon who had a family, and fell under the miſery of having her huſband hanged for coining; but upon the teſtimony of perſons worſe than himſelf, and, conſidering the officers of the mint, and the trade ſome of them drove at that time, as like to be falſe as true. After his lordſhip had done, what he thought reaſonable, in his own perſon, he ſeconded the diſpoſition of a friend by inſtructions, of which I find a copy under his own hand, which is as follows.

"One —— Jackſon, widow of —— "Jackſon, who was executed at Tyburn for "coining, petitioned his majeſty for a grant "of her huſband's goods for her ſubſiſtence. "I moved the king in her favour, and the "king referred her petition to the lords of "the treaſury.

"Her huſband was a very ill man; but "her friends are very loyal and good; and, "for their ſakes, I was deſirous her huſband "might have been pardoned, which had "been moved by the Duke of Albemarle. "But becauſe the proſecutors were the "officers of the mint, and the crime was

" rife, it was thought a pardon would have " done great prejudice to the public. His " caſe was this.

" A fellow was accuſed for clipping who " had no way to get off but by accuſing " others; he accuſed this man, (who had " been one of his companions in roguery, " and lent a room to work in, and ſold ſilver " for him) but denied at his death that he " ever joined in clipping with him (as he " ſwore at the trial) and this man was bound " over, but, at the ſeſſions, had nothing to " ſay againſt him; whereupon he was diſ- " charged. For fear of this, the witneſs " gets him taken up again, and, though he " ſaid nothing againſt him at the former " ſeſſions, now he preferred an indictment, " and ſwore ſo fully that he was convicted " and hanged upon it.

" He denied the fact at his death, though " he confeſſed many ill things againſt him- " ſelf; and, which is very obſervable, the " witneſs was committed afterwards for " ſtealing, and was hanged himſelf.

" After all this ſet down, I hold no argu- " ment ought to be made with ſuch a re- " flection on the proceedings of juſtice; but " the only argument will be that her friends " are very loyal. She was a gentlewoman " of a good fortune; and it is but a ſmall " matter that is left; and it would be hard " ſhe ſhould be utterly ruined when her " friends had intereſt enough to have got

" her huſband's pardon, if the example of " the public had not been concerned.

" It need only be ſaid I recommended it, " unleſs the particulars are aſked."

What was done in this matter, is not now material to be known. The deſign of this paper was to get a favourable report from the treaſury upon the woman's petition. The whole tenor of it ſhews a juſt and compaſſionate mind, and judicious expreſſion; for which reaſon I have given it in the very words, for no epitome is ſufficient.

Some benefactions. A general friend to the clergy; particularly Dr. Hicks.

I think it is of ſmall moment to give an account of ſome pecuniary benefactions, as to Trinity college library in Cambridge, Trinity college in Oxford, and the pariſh-church of Harlow, and ſome others, becauſe they were not great. It is enough to ſay that his lordſhip was a noted encourager of all learned foundations, ſocieties, and perſons; and moſt of all, the conformable clergy and their dignified ſuperiors. He never failed to do them juſtice; which being their due, no thanks to him; but only as it was a ſtrain of popularity to do them wrong. He revered their order, and advanced, rather than ſtayed to be importuned for his acts of benevolence and advices. He uſed to diſcourſe familiarly with them, and communicate his ſchemes, as he thought might aid their underſtandings, in the conduct of their common concerns. And he uſed to take a freedom to aſk their thoughts in queſtions of

hiſtory, theology, and civil law. He adviſed them to ſtudy more of the common law than was ordinarily found amongſt them. He had a great reſpect and value for the incomparable Dr. Hicks, ſometime dean of Worceſter. His lordſhip had knowledge of him firſt at the Duke of Lauderdale's, where he attended as domeſtick chaplain. He was a truly venerable, learned and pious chriſtian miniſter, of a primitive ſpirit, patience, and reſolution. In his ſtupendous work, entitled, *Theſaurus Linguarum Septentrionalium, &c.* in his preface to his grammar, *Franco Theotiſca*, fol. 8. he gives this teſtimony of his lordſhip's goodneſs to the clergy.

Ante ſedecim, aut eo plus, annos, vixit vir ampliſſimus ſapientiſſimuſque, & ſui temporis juriſconſultus ſine pare maximus, Franciſcus Dominus North, Dominus Guilford, Carolo 2°. & Jacobo 2°. R. R. Angliæ magni ſigilli cuſtos, qui me multum & familiariter utebatur. Itaque multa ab eo prudenter diſputata, multa etiam breviter & commode dicta memoriæ mandabam, ut qui fieri ſemper ſtudebam illius prudentiâ doctior. Is autem, cum ſæpe multa narraret, tum præclare memini domi in cœnaculo ſedentem, cum & ego eſſem una, & pauci familiares, in ſermonem de proceribus ſacerdotii incidiſſe; in quo epiſcoporum vicem magnoperè dolebat ver maximus; utpote quorum

authoritatem, diu in ſenatu labefactatam, tum ferme jacere dicebat, ex eò quod ad rotulorum parliamentariorum ſtudium, contra prædeceſſorum ſuorum, qui in anterioribus ſæculis floruiſſent, minime animos appuliſſent. Memini etiam ſæpius audiviſſe illum vehementer hortari egregios è clero viros, tum qui facti epiſcopi erant, tum quos ad epiſcopatum deſtinatos eſſe ſciebat, ut in rotulorum iſtorum ſtudio, quas ſenatoriarum rerum quaſi biblia appellabat, nocte dieque ſe exercerent.

In Engliſh to this effect:

About ſixteen years ago lived that great and wiſe man, and the ableſt lawyer of his time, the Right Honourable Francis North Baron of Guildford, lord keeper of the great ſeal to King Charles and King James the Second. I had the honor of being one of his particular acquaintance, which gave me frequent opportunities of treaſuring up in my memory many of his inſtructing diſcourſes, and no leſs excellent ſayings; which I never failed to do, being ever deſirous of gathering from him wherewith to add to my own ſtock. But I remember once in particular, that this noble perſon, whilſt he was ſitting in his parlour with only myſelf and a few more of his friends, took occaſion to enter into a diſcourſe of the prelates of our church; wherein he expreſſed great concern for that order; in regard that the

reſpect, formerly paid them, after having been upon the decline for theſe many years, was now almoſt quite laid aſide; which he attributed to their neglecting to ſtudy the parliament rolls, contrary to the cuſtom of their predeceſſors in former times. I have likewiſe often heard him earneſtly recommend the ſtudy of thoſe rolls to ſome of the greateſt divines, as well thoſe that were already biſhops, as thoſe whom he knew were deſigned to be made ſo; becauſe he ſaid that, as to all parliamentary tranſactions, they were a very bible.

So teſtifies this great man, who cannot be accuſed of flattering a perſon then dead.

Enemy to all projectors and court harpies.

There are many paſſages, in the current relation of his lordſhip's life, which might fall in properly here; as the conſtant war he maintained againſt all monopoliſts, projectors, and other deceivers of the people; but, being of a public quality, I have not drawn them down in this place: only I muſt add here, as a negative benevolence, if I may, with reſpect to the actions of ſome others, ſo term it; that, when forfeitures of goods and eſtates flew about at court, and the harpies continually begging them, his lordſhip never had a thought of profiting to himſelf out of the misfortunes of families, as when the Lord R. obtained the Lord Grey of Wark's eſtate, and the Lord J. that of Prideaux, &c. but, on the contrary, as

in the caſe of Jackſon, where he ſaw reaſon, inclined to aſſiſt the miſerables: and once, when his lordſhip interceded with King Charles the Second for his favour to one that was obnoxious; *It is very ſtrange*, ſaid the king (moſt facetiouſly) *that every one of my friends keeps a tame knave.*

Conduct amidſt his family.

Let us now retire with him into his family, and ſhew what he was in his private character, and how he paſſed his time when at a diſtance from the public ſtage; and there ſhew him a no leſs indulgent maſter than, as we have before demonſtrated him to have been, a moſt ſerviceable friend.

After the death of his lady, his lordſhip parted with his houſe at Hammerſmith, and paſſed much of his vacation time at his great houſe in Wroxton; where he had uſually with him his two brothers (one of the three being not then returned from Turky) and his ſiſters, with their appurtenances, a company which he ſtyles in one of his papers, *Societas exoptata*, or the company he was moſt deſirous of. And thoſe he never cared to be without when he might have them. At London, they fell into a curſory good fellowſhip, I mean in a civil ſenſe; for, every Thurſday night, the meeting was at Sir Dudley North's in the city, and, on Sunday, with his brother at his chambers in the Temple; but, at his lordſhip's, almoſt every day. Which felicity had no allay until the appointments were known, and then ſome

friends at large would find them out, which was not ſo well.

In the country, his lordſhip entertained himſelf with ſetting his great houſe in order; and although he was afraid of building, leſt he might find himſelf engaged in over expenſive undertakings, yet he ventured upon a large order of ſtabling, very ſtately and convenient; and he built from the ground a withdrawing room and back ſtairs, and finiſhed up the rooms of ſtate, as they were called, and ſhaped the windows, which, before, had made the rooms like bird cages. He never would hearken to any deſigns of waterworks, or gardening, although the ſituation was hilly, and, in ſome reſpects, very inviting. But yet his brothers were always meaſuring and mapping; and theſe modellings pleaſed his lordſhip to look over and wrangle with them about.

His thought of building and finiſhing his great houſe.

He was a very indulgent maſter to his ſervants, and never parted with any but for knavery (when it appeared to him) and of that I knew but one inſtance; but that was a flagrant one. When he was ſolicitor general, he took one John Zacharias Smarthwait, a fellow of good addreſs, and creditable, and made him his chief clerk. When the town of Taunton-Dean renewed their charter, this forward fellow got to be employed in it: he impoſed upon their credulity, pretending much ſervice by his attendance upon Mr. Attorney, and, in the end, cheated

His indulgence to ſervants.

them of 200*l.* His lordſhip neither allowed nor knew of any ſuch trading; and it no ſooner came to his knowledge, but he drove him away as an infection, leaving him to the town to worry as they thought fit; but he was ſecure in being worth nothing. However they had a revenge; for he died a beggar, and crippled with the pox in White-Fryers. His lordſhip's indulgence to ſervants coſt him very dear; for moſt of them were but eye-waiters, and diligent only for fear of loſing their places, otherwiſe negligent and waſteful. And he uſed to complain that he could not turn away an unprofitable ſervant, without being urged as if he went about to ruin the fellow.

His lady's good-nature and tenderneſs.

His lady had much of the ſame good nature, and did all ſhe could that the old ſervants might not think ſhe wrought any thing prejudicial to them; and when his lordſhip mentioned any deſign of reform amongſt them, ſhe would ſay *No; for then they would be worſe than they were before.* She had found out when her huſband had any trouble upon his ſpirits; and ſhe would ſay, *Come, Sir Francis,* (as ſhe always ſtyled him) *you ſhall not think; we muſt talk, and be merry, and you ſhall not look upon the fire as you do. I know ſomething troubles you; and I will not have it ſo.* With many ſuch obliging importunities, ſhe put him out of his dumps. And theſe kind forms never offended him, as morole perſons are often

offended; but he correſponded with chearful and engaging replies. And, on the other ſide, he was always tenderly concerned for her in all her ſickneſſes; ſo that her infirmities were not of one, but of two. And he always conſulted and conferred with her phyſicians about her regimen, in order to better health. And, in the furniſhing her with jewels, plate, or furniture, he always complied with her deſires; which, circumſtances conſidered, were not at all unreaſonable. . . .

His lordſhip's thoughts of a ſecond match.

After a competent time, his lordſhip was not without thoughts of matching himſelf again; and beadrolls of reaſons, *pro* and *con*, preſented themſelves to his mind, which took up no ſmall time to digeſt, and thereupon, with a clear ſatisfaction to determine; and, at laſt, the negative carried it. The chief reaſon, which he declared, was that he would not have two broods in his family, to perplex him, and endanger the bringing diſadvantages upon his children by the firſt venter. And thereupon he lived a virtuous widower, without ſcandal, and much to his honour, all the reſt of his life. But afterwards, in his laſt ſickneſs, while he was drinking the waters, he ſeemed to repent that he had not taken a wife; for then he thought that ſuch a friend would have inſtructed him in a better regimen of health, as letting blood, and taking phyſick ſome times, which he had not done for many

years, and might have prevented his fever. Beſides, he fancied that, in the night, human heat was friendly. Once he was in a humour to blame his family phyſician for not watching his health better, and (almoſt) forcing him to take phyſick. But, when he was told that he uſed to repel from him all overtures of that kind, he ſeemed ſatisfied, and ſaid no more. I remember he once aſked his phyſician if he could cure his courſe of ſpitting, which was very troubleſome. *Yes*, ſaid the doctor. *But then*, anſwered his lordſhip, *will not that bring upon me worſe inconveniences? I cannot anſwer for that*, ſaid the doctor. So the cure, of his beſt cure, was not entered upon. When, after his lordſhip's death, the apothecary's bill was paid; the man, irritated with the executors expoſtulations about the prices, and the length of it, laid all the fault upon the phyſicians, ſaying, *he was to diſpenſe what they preſcribed; and that my lord keeper had been all his life an enemy to phyſick; but now he thought that phyſick had met with him.*

Oeconomy after his lordſhip had the great ſeal.

After his lordſhip had the great ſeal, his œconomy in London was very much altered. He had his ſtables adjoining to his houſe, and a formal (good for nothing) maſter of the horſe; but he was an old cavalier, and a neighbour and acquaintance of the Wroxton family, and could ſmoak, and taſte claret; which qualifications ſupplied care and ſkill in his office. There was a *major-domo*,

or, rather, prefect of eating; and having a good ſtroke of his own, was fit for the employment. His table, which compriſed the gentlemen ſervants, was kept in good order; but the inferior ſervants ate like harpies at the catch, and, to ſay truth, moſt ſcandalouſly. Thoſe, whoſe office it was to obſerve them, gave themſelves no trouble with ſuch matters; and his lordſhip knew nothing thereof. What fell in his view, which was the butler's and waiter's offices, was very well performed. He had one gentleman waiter who was of a ſingular character; he was an arrant coxcomb, void almoſt of common ſenſe, and yet the moſt exquiſite obſerver of his duty in all formal reſpects. He was as ſure at call as the door-poſt. I never knew any one at the table look, as wanting any thing, that he had not inſtantly in his eye, and readily ſerved. And to give one inſtance for all, to ſhew the top of his formality: in travelling, if he were detached upon a meſſage, he did not turn and go off directly, but rode before, and planted himſelf as making a guard till the coach went by, and then made his devoir; as much as to ſay, *I obſerve your commands; and have you any more?* With theſe obſervances he got credit with his lord and all the family; and dying, as he did, of a pleuriſy, was accounted a loſs not eaſily ſupplied. His lordſhip's cuſtom was after dinner to retire with his company, which were not a few, and of the

beſt quality in town, into a withdrawing room; and the tea-table followed, where his youngeſt brother officiated; and him his lordſhip often ſet at the head of his table, for want of a lady, to carve. His ſuppers were in another room, and ſerved in a more familiar way, and where his beſt friends, and ſome (painted) enemies ordinarily aſſembled. And this he thought the beſt refreſhment the whole day afforded him; and before twelve, he retired, and, after a touch of his muſick, went to bed: his muſician not leaving him till he was compoſed. So that never any perſon had more aſſured witneſſes of his converſation, than he had; and if ever muſick was a relief to a mind overwhelmed with troubles, it was ſo with him.

His lordſhip's privacy and ſolitudes.

Hitherto of his lordſhip's retiredments, but chiefly within his private œconomy, relations, and ſervants; without looking into the public, and as if he had nothing to do there; which, perhaps, may have led us to touch upon circumſtances leſs proper to be noted in a life of his importance. But, now, I muſt caſhier all thoſe matters, and retire with his lordſhip into his ſolitudes, and ſhew him there as he was both a moral philoſopher, and a good chriſtian, inceſſantly labouring to improve the faculties of his mind, and alſo to coerce all exhorbitances as well of his inclinations as paſſions. And if we find any real ſymptoms of his prudent, faithful, and (I had almoſt ſaid) prophetic

ſpeculations, regarding either himſelf, or the vaſt conſequences of his employments, we ſhall lay hold, and make the beſt we can of them, and ſay with Virgil,

——— *paulo majora canamus.*

So I proceed to note his lordſhip's manner of direct and reflex thinking, and what endeavours, as well as artifices, he uſed to keep his mind at eaſe, his judgment ſteady, and, when wavering, to confirm it.

Maſtery of his paſſions, and uſe of *ſpeculums.*

His lordſhip was ſenſible of many natural infirmities. I have already mentioned his innate modeſty, and how apt he was to paſſion, and, upon any offence, to inflame; and more than ordinarily inclined to be amorous: not forgetting that, coming into the world with little in preſent, and nothing expected from his family, he was very ſolicitous of keeping within compaſs, and then to improve his fortunes. And yet he broke through his temper, and acquired a commendable aſſurance, and kept under his paſſions to ſuch a degree as made him be thought mild and diſpaſſionate; and, while unmarried, lived virtuouſly, and without the leaſt ſcandal, or occaſion for it; and, as his condition mended, became eaſy in his expences, and bountiful to many. It may be now aſked by what arts and aſſiſtances he gained theſe great victories over himſelf I muſt anſwer firſt, in general, that ſtrength of reaſon and rectitude of will gave him ſuch

a maſtery over his temper; but withal, 1. That when he fell under any deliberation of great concern to him, and the point was nice, and ſtood almoſt in *æquilibrio*, he took his pen, and wrote down the reaſons either way, as they fell in his mind, in any words, or manner of expreſſion; and had that paper, for the moſt part, lying in his way; which gave him frequent opportunities to weigh the cogency of them. 2. When he obſerved himſelf, in his mind, unſteady, or diſturbed, he ſet down the truths that ought to confirm him; and ſo upon occaſion of diverſe emergences of his life. And theſe he titled **ſpeculums*, which frequently admoniſhed him of ſome growing fondneſſes: for when he perceived the riſing of them, he took up his *ſpeculum*, which ſoon reduced them. Of theſe *ſpeculums* he had many that lay looſe about his deſk; and but few of them are come to my hand: and ſome of ſuch as I have, I ſhall preſent as ſpecimens.

Reflections upon a paſſage at court.

His lordſhip, by certain ſymptoms, obſerved ſome miſchief brewing at court, which drew him to ſet down theſe notes, that he might often reflect upon them.

* The Engliſh of this word is a looking glaſs, or mirror, wherein any one may ſee his own image. And from thence his lordſhip, by a metaphor, called theſe papers *ſpeculums*; becauſe, as a man looks in a mirror, in order to be acquainted with his outſide; ſo by looking upon what was written in theſe papers, he might ſee his inſide, and have a thorough knowledge of the inner-man his excellencies, and imperfections.

Why haſtened? } What the matter was, which occaſioned this quere, I cannot remember, nor, with clear ſatisfaction, gueſs. Probably it was the reform of the council, whereby the Lord Shaftſbury, and all the malecontents were let in. Perhaps the following may explain it.

For that impreſſions, made at Newmarket, ſhould not be removed here. } It was uſual for the perverſe party at court, when the king was to be wrought upon to do ſomewhat croſs to the miniſtry, to beſiege him at Newmarket, where they (the miniſters) did not attend, and, having gained a reſolution, at the return, to precipitate the diſpatch, leſt better advice ſhould alter it. This ſeems to have been at the vernal meeting, and agrees with the former conjecture; for the experiment was tried not long before the meeting of the abhorring parliament.

His lordſhip follows this with theſe queries.

Why ſuch a ſtir to oppoſe petitions? } It was foreſeen that the parliament would be very ſevere againſt the anti-petitioners; and who ſhould be moved to oppoſe them, but ſuch as were already obnoxious? and that courſe was moſt like to expoſe them to the fury of the parliament. And this was an hopeful way to have the king's friends torn from him. Queries touching devices of his enemies.

Why muſt judges be commanded to diſcountenance one, and to ſhew a diverſity? } This was noted elſewhere; where it is remembered that the Earl of Sunderland (always in dark practices) in the abhorring vacation, ordered the judges as here is queried; and, withal, to declare that the laws of recuſancy ſhould not extend to Proteſtant Diſſenters.

Why commiſſions purged upon that point? } That is for being concerned with the petitioners, or, at leaſt, not being active in oppoſing petitions.

Why corporations held to the oaths? } Theſe oaths were proper for officers in corporations; but it was required they ſhould be preſſed upon all freemen, contrary to law.

Why were commiſſions of aſſociation preſſed; and the bailing of the Earl of Danby? } When the charter juſtices would not, as they ſeldom would, do their duty againſt ſectaries, and ſeditious perſons, it was urged that the king ſhould aſſociate other juſtices out of the country, by ſpecial commiſſion, to ſit and act in the corporation with them. I do not remember that any of theſe iſſued; but the legality of them was more than ſuſpected; and they would have malecontented the corporations, having the clauſe *ne intromittant*, in the higheſt degree. And, as to the bailing of the Earl of Danby, who lay committed

upon an impeachment by the parliament, it was urged that it ſhould be done by the oyer and terminer at the Old Bailey. His lordſhip was of opinion it could not be done,

Cauſa patet. } All theſe matters
The reaſon is plain. } were extraordinary and irregular, but would have been matter of furious blame in the houſe of commons, and fallen hard upon the king's forward friends. And that was it which his lordſhip underſtands to have been the intent of the Earl of Sunderland and others that puſhed them; and not a little pointing to aggravate his caſe in parliament. But this will appear more luculently in the next.

Why muſt I diſcharge the jury for fear of a preſentment; and ſuch ado about the ſheriff of London, and application to diſcharge others after ill ex. and Rec^r. put K. upon it, and Sec. I come of that meſs.

Cauſa eadem.

The reaſon is the ſame.

} It was foreſeen that the Ignoramus jury, at the ſeſſions, would preſent the Duke of York as a Popiſh recuſant. To prevent this, by a diſcharge of the grand jury, would have drawn an accuſation; as, for the like, the judges of the King's Bench, were impeached. His lordſhip put by this indiſcreet, or rather treacherous, paſs, and let the preſentment come, and then it was immediately removed by a *certiorari*, which did not afford any

matter of charge. The ſtir about the ſheriff of London, I ſuppoſe, was the order to reform the pannel, noted in the Examen; which was much ſqueak and no wool, but an impertinent contention to no profit. And that order was managed and carried by his lordſhip, and ſome of the pannel diſcharged; which he thought of no good example, and deems that the Recorder Jeffries, and the Secretary Sunderland, put the king upon inſiſting that, not being againſt law, it ſhould be done, and alſo that thoſe courtiers intended by it to heap coals of fire upon his lordſhip's head.

To make electors take the corporation oath, and charge the judges to ſee good juries of anti-petitioners, and ſcrutiny afterwards.

This of oaths was touched before; but this brings it to the parliament; which would have been termed downright packing the parliament, though, as to choice, it had ſignified nothing: for, at that time, the temper of the publick would not admit a choice fair for the crown; and theſe provocations did but exaſperate the ill humour: and the charge to the jury was an egregious trapan; but fruſtrated, as hath elſewhere been noted. I am not ſatisfied as to the meaning of ſcrutiny afterwards. Perhaps it intends an enquiry into the behaviour of the judges, and who obeyed orders, and who not.

This following paſſage is ſomewhat remarkable, and therefore I ſhall inſert it here. A remarkable paſſage.

Mich. Sir Edward Hales. } This Kentiſh knight was a man of florid parts, and had made ſome undue advantage in dealing with one of the ſons of Mr. Lechmere, a bencher of the Middle-Temple. This was referred to his lordſhip; who, finding the caſe foul on the part of Hales, determined againſt him. But, at this time, Hales, though ſomewhat concealed, was no better than a Papiſt, and had engaged all the court intereſt, of that party, to urge in his favour; which gave his lordſhip no ſmall trouble, and occaſioned this remembrance of him, intended to be explained at leiſure. After his majeſty's demiſe, this Sir Edward Hales declared himſelf a Papiſt, and was a buſy agent in managing the projects of that party in Kent.

His lordſhip had ſome affairs upon his hands, which were difficult to manage; and thoſe he noted under the title *difficilia*, or difficulties. Difficulties about the great ſeal.

Want of Penſion. } That is an addition of 2000*l.* per annum more; for the Lord Nottingham had 4000*l.* per annum which, to his lordſhip, was ſcrewed down to 2000*l.* on pretence of depending on the king's bounty rather than bargain. And it ſeems he had an intent to

have moved on this head; which was a difficult matter for a non-courtier to undertake.

Controverſy *inter grands*, E. of Rocheſter and M. Halliſax. Diſputes among the great ones; E. of Rocheſter and M. Hallifax. } This was about the contract with the farmers of the exciſe and hearth money; of which before.

Reflections upon his perſon and ſtate.

After the king's demiſe, and his brother James ſucceeded, his lordſhip was overwhelmed with ſorrow; and however commonly he was uſed to give vent to his troubles, and, by converſe with his neareſt friends, eaſe his mind, now, it was too full, and he held it in to his great oppreſſion, and expreſſeth himſelf in his memento thus.

Ne redintegretur planctus, & contemplatio doloroſa, & gemitus maximi & continui, & pavor erga omnia, & torpor, & inſomnia.

Let me not diſquiet myſelf afreſh with lamentable and melancholy apprehenſions of what may happen; or renew thoſe exceſſive and continued groans, attended with fear on every ſide, which break my reſt, and even deprive me of my ſenſes. } His lordſhip ſaw no end of evils that impended on this change, and here tries to eaſe his mind upon his paper in this pathetic preſcription.

Deus dedit occaſionem optimam, quæ minime eſt negligenda; ſolatium enim eſt nimis breve, & ſubito tranſit.
God has given a favourable opportunity, which muſt not be let ſlip; for the comfort I ſhall have, is but for a little while, and will ſoon paſs away.
} This reſpects his purpoſe of quitting the ſeals, whether it were upon occaſion of the king's demiſe, or in the time of

his laſt ſickneſs; when that purpoſe was confirmed in him, and he did what he could to put it in execution, doth not appear in this paper. I am inclined to think the latter, and the occaſion to have been his weakneſs, which moſt was ſenſible to him at that time: and then he reflects on the conſequence.

Semper idem; otium dat obſervationem & paſcit licnem.
Never the better; leiſure does but give time to think, and feeds the ſpleen.
} This reflection is very profound; for it is a vanity to expect eaſe

in retiring from the world; for the caſe will be ſtill the ſame. A man cannot run from himſelf, but his thoughts will follow him; and if he has not troubles from without, to divert, he will have more attention to himſelf; and ſplenetick humour, of which his lordſhip was afraid, will ariſe. But, for an inward comfort, as he was, he contrived this *ſpeculum* entitled,

Bene.	Well.
Conditio aptiſſima.	His qualifications moſt fit for the juſtice of the chancery.
Honor augens & divitiæ.	Encreaſe of credit and riches.
Reverentia univerſa.	Univerſally reſpected.
Societas exoptata.	The deſirable company of his brothers and friends.
Negotium continuo divertens.	Kept in full employ by the buſineſs of his place.
Beneficentiam exercens.	Doing good to his friends and ſervants.
Modeſtia laudata.	Approved modeſty.

The next is a *ſpeculum* of all the evils that may happen, with the apt remedies applicable to them; and this he titled *ſpeculum magnum.*

Quid cauſæ?	What is there to make me uneaſy?
Inopia?	*Satis quod ſufficit, aut nunquam.*
Want?	Enough, now or never.
Onera?	*Corpus ſanum, ſit ita mens.*
Difficulties?	Sound in body, let me keep my mind ſo.
Metus?	*Objectum nullum niſi phantaſma.*
Fear?	Nothing but fancy to affright me.

Infamia?	*Notus es, & expectatio vera.*
Diſgrace?	They knew you, and you have not balked their expectation.
Pudor?	*Irrationabilis, & abigendus.*
Shamefacedneſs?	Unreaſonable, and to be drove away.
Solitudo?	*Remedium amarius.*
Solitude?	Worſe than the diſeaſe.
Senectus?	*Levamine indiget?*
Old age?	That wants ſupport.

His lordſhip perceived plainly that the adverſe party were ſetting up Jeffries to ſupplant him, and gave him all encouragement to be troubleſome; which, as his lordſhip thought, might induce his giving way to make room for him. And regarding that caſe, his lordſhip wrote this, and titled it, *ſpeculum alter.* *Speculum* reſpecting his ſucceſſor.

Null. pavor de penur.	Theſe ſeem ſomewhat comparative; for Jeffries was tainted with all theſe.
Not afraid of being in want.	
Null. reproach pro ebrietat.	
Not reproached for drunkenneſs.	
Null. Magdalen Compl.	
No ways concerned in the complaints from *Magdal. College.*	

His lordſhip framed another *ſpeculum,*

reſpecting a private ſtate, which had place in his ſoliloquies, and is entitled, *ſpeculum tertium.*

Optimum retire. It may be beſt to retire. } After all the advantages he could propoſe to himſelf in his keeper's high ſtation, a private life was ſafeſt and beſt.

Turbatio bene interpret. My confuſion would admit of a favourable interpretation. } The diſturbance he found in his attention and countenance, which is touched elſewhere, would have no ill conſtruction, as he thought it might have upon the bench.

Satis quod ſufficit. I have ſufficient. } Non-encreaſe of wealth, no grievance while he had ſufficient.

Colbert pro poſteris. Let poſterity think of Mr. Colbert. } This great favourite, under diſgrace, was very ill uſed; and let that concern his ſucceſſors; as for himſelf.

Fouquet pro preſent. As for the preſent, let Fouquet be an example. } Diſgraced alſo, and dealt ill with; but then turned looſe to ſhift for himſelf.

Quid timendum. What have I to fear? } Here his lordſhip accuſeth himſelf for uſing the inſtances of theſe diſgraced miniſters, who acted high in matters of ſtate and war, and might be obnoxious. But he acted

in a confined poſt, and having a good conſcience, and nothing of male adminiſtration, or corruption, to be laid to his charge, what had he to be afraid of?

Promotus es, & omnes defectus ante apparuerunt. They promoted you, and knew all your failings before. } If he were unfit for a court ſtation, as he ſuſpected himſelf to be, and they muſt needs know it beforehand; why did they not let him alone, but promote him? This lays his own failings at their door.

26 Sept. 1684, lord chief juſtice of the cabinet council, much to my eaſe and relief. } It was obvious that this bringing Jeffries forward, was to prepare him to ſucceed his lordſhip, then, by the riſing party, reſolved to be laid aſide to make way for him. But the king had no ſuch thought, and, if he had lived a little longer, he had broke all their ſchemes. I heard his lordſhip ſay, that he took an opportunity to thank his majeſty *for the eaſe he gave him, in this paſs, as to adviſing his majeſty in matters of law;* but he did not ſay that the king made him any anſwer.

Reaſons againſt pardoning recuſants.

But as to the motion for pardoning all recuſants, mentioned elſewhere, the jobb for which Jeffries was eſpecially introduced, and which was (ſingly) oppoſed by his lordſhip, I find a paper in which his reaſons are conciſely expreſſed.

Papiſts, 2 October 1684.

" There is no need (for ſuch pardon) for, " if they are not puniſhed, they will be " envied, not being ſheriffs, juſtices, deputy- " lieutenants, jurors, &c.

" The puniſhments are but three. 1. " Premunire. 2. Thirds. 3. Diſability " upon convictions.

" They avoid the firſt by bribing gaolers, " under-ſheriffs, and bailiffs, ſo that they are " not in priſon. And, 2. Nothing being " found, nothing is levied.

" And, 3. They may be brought under " diſability at the ſuit of a common perſon.

" This will diſcontent the gentry, and " make them lean on the other ſide.

" Their hearts cannot be loſt; but ſhould " ſerve chearfully: elſe, the whole uſe of " the law is loſt; for they are ſheriffs, &c.

" If the gentry are diſcontented, the rabble " will quickly be poiſoned by preachers, " &c.

" And then what will force ſignify, though " not oppoſed? If they are curſed, when- " ever any diſorder comes upon them they " pay for it.

" A revolt of the leaſt part, to the tem- " per of the people, prevails againſt all the " reſt. Any foreign war, or remote rebel- " lion, will bring it.

"Be no more angry with } This is a pru-
"ſuperiors for not doing } dent memen-
"as you adviſe, than they } to for counſel-
"are for your not adviſing } lors of ſtate,
"what they would have } to keep down
"done." } anger and diſ-

content, when their advice, though moſt ſalutary, is not taken.

Of the teſt laws, and parliaments, and his lordſhip's thoughts of the ſame.

In the parliament in the reign of King James II. the experiment was tried whether the commons would allow military officers to ſerve without taking the teſts againſt popery; which was, with a temper, refuſed: for it was offered to diſpenſe in particular (by name) but not in general. The tendency of the court was to have the teſt laws wholly ſet aſide; for which this, of the military men, was to have been an overture to let in the reſt. But this refuſal made it improbable that the parliament would ever be brought to it. Whereupon followed the point whether the parliament ſhould be prorogued, or diſſolved. The deſperate party were for diſſolving, and uſing means to procure elections that ſhould be better inclined; and, if that failed, to do it by his majeſty's authority, and ſhifting without any parliament at all. And what followed afterwards, viz. of cloſetting, regulating, &c. the hiſtories muſt ſhew. In the mean time, his lordſhip's counſel, not to diſſolve at preſent, but to prorogue, was taken; and abſolutely contrary to his counſel, the par-

liament was at laſt diſſolved. Which paſs was, in conſequence, as matters were carried, the ruin of King James II. But, in the working of theſe matters, his lordſhip diſcerned plainly a deſign to change the government. Which gave his lordſhip many melancholy reflections; and, as hath been ſhewed elſewhere, diſpoſed him, once for all, to be free with his majeſty, and ſhew him his danger; which he did, and, in a ſcrap of paper, hath preſerved his reaſons under a title taken out of the *Arcadia del Carpio.*

Penſiamentos meos caminad ſin miedo. } My thoughts walking by myſelf without fear.

1. Queſtion of right is moſt plain. } This refers to the parliament, and the triennial act.

2. Condemnation of paſt actions for not doing it. } For all antecedent paſſages, as the ſtop of the Exchequer, indulgences, Dutch war, French alliances, &c. for which the faction had formerly calumniated the court, will be again ripped up, and charged as a continual deſign of arbitrary power.

3. Indifferent men loſt, and thoſe the gentry. } Theſe were ſuch as were not attached to the court, but followed for duty and public good.

4. They will be a torrent irreſiſtible. Better an ague than a fever. } The clamour upon breaking the triennial act.

The ague may mean ſome diſcontents and differences with the parliament ſitting; but the fever is the diſcontent of the whole people without parliaments.

5. Old law not clear in the intent, yet foundation of the triennial act, odious, this is poſitive. — The old law was that there ſhould be a parliament every year, or oftener if need required. This was once ſet up to diſſolve the long parliament whether they would or no; which the parliament reſented, and ſent four lords to the Tower; as the hiſtories of the time, and particularly the Examen, will ſhew. By the odious is meant the triennial act in the reign of King Charles I. when, for failure of writs, officers, down to conſtables, were to ſummon a parliament; but, as ſettled in the reign of Charles II. it is enacted poſitive for three years, without ifs or ands to colour a diſcretionary power.

6. How comes poſture to be good, but by being in the right? — This is oppoſed to the pretenſe of the courtiers, viz. that now the nation was in a poſture of firm loyalty to the crown, and would digeſt any thing; but his lordſhip thought that what right had built, wrong would deſtroy.

7. No ſtrength, nor juſtice, when the people are poiſoned, and the income depends upon it. — When the people ſide with the crown, it is ſtrong againſt ſedition, elſe that will ſoon grow up into

rebellion, and the magiſtrates will be ſlow to act, and juries will be unruly; which would many ways affect the revenue.

8. Faction will unite upon this point, and preſs nothing elſe; and they will have ſuch company as will be hard to reſiſt. } Sects, oppoſite to each other, will all unite in this; and the loyal church-paarty, the nobility and gentry, will all join forces in a matter ſo popular.

9. This will be a ſtanding topick, and a continual claim; and it can never be imputed as a favour to have it. } The good will, loſt by forbearing parliaments, will not be recovered by granting them, but remain as poiſon in a wound which will not readily heal.

Another paper to the ſame intent.

This paper may have been out of the way; and his lordſhip wrote upon another to the ſame intent, but more explicit.

1. Right is plain, poſitive by new law; prevail hitherto by being right. } That, which made the crown ſo firm at this time, was the having done the people right as to parliaments. The people were found to take part with the crown, even againſt the parliament, when that acted exorbitantly.

2. Their actions juſtified, and yours condemned. } But if there be differences between the crown and parliament, and, thereupon, parliaments are diſcontinued, the people will juſtify the actions of the parlia-

ment however unreaſonable, and allow no reaſon for the diſcontinuance.

3. Torrent of the people irreſiſtable. Neither laws nor arms can prevail. } This was fatally proved by his majeſty when his army revolted; of which this was a prophecy.

4. Faction will unite, and have all on their ſide. } See before.

5. They will preſs nothing but this; and all other things muſt yield. } Whatever matters of diſcontent have place with the people, they will ſay nothing of them, but urge for a parliament; and, that obtained, all other grievances will break forth, and no good humour to be expected.

6. To diſſolve not diſcontent all, becauſe minor parts in the houſe; and in chooſing, they will take part; but not to call, diſcontents every man. } When King Charles II. diſſolved his laſt Weſtminſter parliament, he called another, at the ſame time, to meet at Oxford; but, at this time, it ſeemed not to be ſo intended. Therefore the diſcontent would take place as if there were to be none at all; as had happened, if King Charles had not prevented the clamour as above.

7. That is always rightfully done, but not this. } That is, the king may rightfully call, or diſſolve; but, ſubſiſt without parliaments, he may not.

Another paper carries ſome farther notes, to the ſame intent, which I ſhall not omit.

1. Whether change the government? Suppoſe not. } It was not pretended that the government ſhould be changed as to laws, taxes, &c. But this note ſeems to ſuſpect it.

2. If can ſubſiſt againſt a general diſcontent? Guards will be no real help. Revenue diſputable and tranſitory; not like land, but popular. —— } This query is anſwered in the negative. Guards may revolt. Revenue riſeth by collection from the common people. And, being moſtly temporary, who ſhould renew it? For it is not like land, which is not contentious, and is perpetual.

3. If cauſe diſcontent, juſtly, or actually? } That is, diſcontent is cauſed; whether juſtly or not, ſo long as it is actually ſo, the effect is the ſame. Some courtiers argued that they were not to regard diſcontents; for there will be ſuch in all governments; and if there muſt be no diſcontents, there muſt be no government at all. But is there no difference between diſcontents with, and without, juſt cauſe?

4. If diſſolving can cauſe ſuch diſcontents? } This may be anſwered affirmatively; for diſſolving hath often been counted a grievance. Then the argument runs, why ſhould you cauſe diſcontent, if it may be avoided?

5. What conſequence, when the parliament doth meet? } Lamentable.
6. Lamentable; reflection upon fair weather and ſecurity. Better an ague fit than a calenture. } This anſwers the former; and when the parliament meets,

at worſt, it is but as a fit of an ague, a turn of cold and heat, and then fair weather, and ſecurity, for a time; which is better than calenture without intermiſſion, with danger of concluding in deſtruction.

Reaſons for inſerting theſe notes.

It may be thought that much, of theſe notes here, might have been ſpared, being dark, and the matter, in ſome points, repeated. But, conſidering that they contained the ſubſtance of what his lordſhip adviſed the king, with reſpect to his ſafety by parliaments, and the nation's peace, I would not drop any ſyllable, that I found wrote by himſelf of the ſame matter, although in a different phraſe. For the image of his lordſhip's interior thoughts, both as to himſelf and his duty to the public, are here painted in moſt lively colours; the like of which I have not known to appear in any other written life. I have ventured to annex a ſort of comment, but am not ſure I have touched his intimate ſenſe in all points; but, having heard him diſcourſe over moſt of the public matters, I believe, I am not much out of the way.

His laſt melancholy.

His lordſhip began to find himſelf decay, and who could hold out long, and ſtrenuous,

in ſuch deluge of affairs, and all laid to heart, and not, as with ſome, let paſs ſlightingly? and he began to complain of diſturbances, which he termed the upper flowing of his blood, in theſe words, as his pen left them on a ſcrap of paper.

Surſum flux. ſanguinis, qu. cauſam. proſpice finem; det Deus. Speculum conſule.
Flux of the blood upwards. Qu. The reaſon. Look for your end. God give it. Conſult your ſpeculum.

This imports more than a rubor in his countenance, which he, ſometimes, thought too much, but ſome diſorder, that he found in his head, imputed to ſuch flux upwards. This, as I take it, was not long before his fever, and, at that time, letting blood might have prevented it; but he always was averſe to that operation, and ſeldom or never uſed it. I believe here we want a ſpeculum; for thoſe, that were found, do not correſpond with this caſe.

His reſolution and proffer to reſign the ſeal.

I have already ſhewed that, after his lordſhip had come out of his acute fever, and laboured under a conſuming hectick, he found his ſtrength continually decay, and reſolved to quit the great ſeal and retire, hoping that way to recover his health; and wrote to the Earl of Rocheſter to procure him the favour of his majeſty's acceptance of it. But the Earl put him off, deſiring his lordſhip might continue keeper, and be a ſcreen to him in ſtaving off the Popiſh

work. And thereupon his lordſhip wrote to him the following letter:

My Lord, June 11, 1685.

"HAVING once diſcovered to your "lordſhip" (his petition for leave to reſign the ſeals,) "the effect of melancholy, you "may believe it ſtill in my conſtitution, and "think what I write proceeds from it. But "I pray believe that, if there had not been "an apparent neceſſity, I ſhould not have "been ſo abrupt, at ſuch a time, in the "middle of a parliament. The truth is, "every night is a painful fever to me, and "my ſtomach wholly gone; and, having an "opportunity theſe holidays to do ſomething "towards my health, I put myſelf into the "hands of a doctor, who aſſures me of a "ſpeedy cure, by entering into a courſe of "phyſick. My lord, this were nothing if "my ſtrength would ſerve me. I would "defer complaining, though with hazard of "my life. But my weakneſs is ſuch, and "the pains of my head ſo great, that I can "hardly hold up my head. I am confident "I ſhall not be able to do it many "days. I will be at the houſe to-morrow; "if I poſſibly can, to wait on your lord-"ſhip." This produced the leave his lordſhip had to retire, with the ſeal, to Wroxton, where he died, as has been before related.

Summary character.

Now, to conclude with a ſummary character of his lordſhip. He was deſcended of a noble family, virtuouſly educated, an early ſtudent in the law, ſignaliſed in his firſt performances, preferred for his abilities; paſſed gradually from the meaneſt initiation of practice, through every degree of buſineſs and preferment in the law; court keeper, practiſer in the King's Bench, chief in his circuit, king's counſel, ſolicitor general, attorney general, chief juſtice of the Common Pleas, lord keeper of the great ſeal, and created a baron: and, in all this walk, trod upon no man's heels; for he entered only by vacancies, and never by ungrateful removes, and was helpful, and a friend to thoſe whom he ſucceeded; eſpecially the Lord Nottingham, who almoſt owned him for his ſucceſſor. Whilſt he was chief juſtice, he was taken into the privy council, and then into the cabinet. He travelled moſt parts of the kingdom, as judge in the ſeveral circuits, and gained the friendſhip, I had almoſt (and well I might have) ſaid the love of the chief gentry of England, who afterwards ſtood by him againſt diverſe attempts to remove or diſhonour him. And notwithſtanding his continual employments in church and ſtate, and many thought his room, or rather his places, worth crouding for; and however, in nice matters, it is more than human not ſometimes to err, yet he ſtood againſt all as a rock immoveable;

and nothing was ever found, even by the moſt diſcerning of a popular faction, that would, or (with truth) could impeach his fame, probity, or honour. He ſerved the crown ſteadily, and according to law; and ever gave cogent reaſons in public for what he did. No impreſſion of fear, flattery, or intereſt, did ever taint, or divert his juſtice. In his perſon, he was modeſt to extremity, and yet, in doing his duty, enough aſſured. He was a declared enemy to all pomp and vain glory. He was not an orator, as commonly underſtood, that is a flouriſher, but all his ſpeech was fluent, eaſy, and familiar; and he never uſed a word for ornament, but for intelligence only; and thoſe, who heard him ſpeak, though in ordinary converſation, had ſcarce room left to aſk any explication or enlargement. He was a lawyer (modeſtly ſpeaking) not inferior to any of his time, and knowing in records and hiſtories, not only of England but, in general. He was maſter of the European languages, as French, Italian and Spaniſh, and had entered into thoſe of High and Low Germany. He was adept in natural philoſophy and mechanicks, and no ſtranger to the mathematicks. A muſician in perfection, both practic and ſpeculative; being a performer, compoſer, and (in print) a philoſopher, as to the moſt recondite ſecrets of that art. He was covetous of nothing more than the ſociety of the virtuoſos of his time, [illegible]ely, Moreland, May, Moor,

Flamſtead, and others of that tribe, who all courted him, and embraced his converſation, and many owned to profit by his encouragement and protection. He was civil and affable to all, and converſed, even with his enemies, without offence, and hated to be waited upon, when he might give diſpatch. His courſe of life was unexceptionable; no manner of vice encouraged, nor by him known, within his walls. His diet plain, and meals hoſpitable and profitable. His moſt intenſe ſtudy was to amend whatſoever he found amiſs and amendable, where his employments gave him means, and a latitude to do it. His zeal was to do all the good he could to his country; and that he thought beſt done, by ſupporting the church and crown of England in all due and legal prerogatives; and thereunto he adhered during all his life; and no motive whatſoever made him ſwerve. Whatever he did in publick was legal and effectual, without any affected luſtre, or handles to fame, if he could avoid them. No wonder he is ſo ſoon forgot. He never had, nor aſked, for profit, any boons of his majeſty; and, at the end, left but a moderate eſtate to his children, which one would think ſhould have been, by common profits, much more: but thereby he demonſtrated that corruption had no ſhare in what he left. In ſhort, he had a virtuous diſpoſition, orderly and regular courſe of life, void of all pride and affectation;

the utmoſt regard for truth and right; a vaſt extent of ſkill in the law and national conſtitution, and knowledge of men and the world; the love and eſteem of the beſt; impartiality in his juſtice, and dexterity in the forms and adminiſtration of it; ſenſe of his duty, publick and private, with induſtry and affection duly to perform it; he was patient in hearing, modeſt in determining; compaſſionate in ſeverities, orthodox and exemplary in the eſtabliſhed church, and averſe to all its enemies; for all which, he had a viſible temporal reward; and that is dying as he lived, without ſtain or diminution of his honour, authority, or greatneſs, in the height of which he left the world. This character, which I have here given, is not out of opinion, rumour, or any means of fame whatever, but the reſult of my own perſonal knowledge and proof; and, at the hour of death, I can veritably ſwear to every article of it.

INDEX.

ACQUAINTANCE, uſe of it at the inns of court, i. 79.
Acquittance, one that was forged diſcovered, and how, i. 218.
Acts, of Parliament; how his lordſhip managed, when he would carry any thing of that nature, i. 212. Of the *vetera Statuta*, *ibid.*
Æsop, Saying of his to Solon, at the court of Crœſus, ii. 135.
Anglesey, Earl of, his friendſhip with Sir Peter Pet, i. 47.
Apothecary, Saying of him that his lordſhip made uſe of, to the executors when they found fault with the bill, ii. 318.
Aristocracy, Property of it, i. 66.
Assertions, ſome impudent ones of the faction, ii. 57.
Atkins, Judge, begins a ſpeech in oppoſition to his lordſhip; but, before he has done, comes round into the ſame ſentiment, ii. 46. Oppoſes him in the diſpoſition of a Prothonotary's place, *ibid.*
Attornies, Coſts not allowed them in *propriums*, and why, i. 194.
Aubrey, Mr. ſome account of him, ii. 251.
Author, the engagements he had to this work and the means he uſed to perform it, i. 4. His method, i. 8. Why he has been ſo particular in the character of Sir Matthew Hales, i. 128. His apology for being ſo minute about the matters of Bedingfield and Wright, ii. 177. His opinion of the root of his lordſhip's diſtemper, ii. 229. His reaſons for inſerting ſome particular notes of things, which his lordſhip left behind him, ii. 340.

B.

Baker, Mr. a ſolicitor in Chancery; ſome account of him, i. 36.
Ballast, Wharfs, ſome account of them, i. 266.
Barber, Mr. an Oxfordſhire gentleman, ſaying of his to a lady, ii. 210.
Barebones, Dr. ſaying of his about the Lord Keeper North, ii. 79.
Barometers, how they came to be ſold in the ſhops, ii. 270

Beaufort, Duke of, his princely œconomy, i. 255. Manner of educating his children, i. 260.
Bedingfield, Serjeant, Character of him, ii. 171. Pitched upon to be a judge by his lordſhip, *ibid.* Threatened by Jeffries, if he applied to Lord Keeper North, and not to him, *ibid.* Leaves my lord keeper upon that, ii. 172.
Bellamers, of a ſort of people ſo called in the North, i. 270.
Bedloe, Captain, account of his examination at Briſtol, i. 235. His ſpeeches in diſcourſe, i. 237. Intent of his expedition to Briſtol, as far as it concerned his lordſhip, i. 243.
Belvoir, Caſtle, ſome account of it, i. 262.
Berkley, Lord, his conteſt with the Lord Chief Juſtice North, about the clerkſhip of the treaſury, i. 187.
Bernardiston, Sir Samuel, goes to law by himſelf in the houſe of lords, i. 103.
Border, of the border commiſſion, i. 269. Severity of the commiſſioners, i. 270.
Brady, Dr. of his hiſtory of England, i. 25.
Bridgman, Sir Orlando, character of him, i. 107. Of him as a chancellor, ii. 74.
Briſtol, of that town and people, i. 234.
Broadgate, chaplain to the Turkey company; ſtory and character of him, i. 53.
Brunskill, of his project of the green wax, i. 201.
Bucks, Duke of, ſome account of him, i. 95. Furious for Mr. Jones againſt Mr. North, *ibid.* His cauſe againſt Ambroſe Phillips, ii. 130.

C

Cadence, Jack, why ſo called, a certain ſerjeant got that name, ii. 57.
Capel, Sir Henry, his anſwer to Sir Francis North, when deſired to tell why the houſe of commons urged a particular matter, for which there was no apparent reaſon, i. 294.
Card, Mr. Andrew, who, i. 89. Saved Sir Francis North's life, how, *ibid.*
Carliſle, of that town, i. 272.
Cases, advantage in the exerciſe of putting caſes, i. 19.
Chancery, Court of, rile and encreaſe of it, ii. 72. Unhappy caſe of a poor gentleman who was concerned in a chancery ſuit, ii. 86. Concluſion as to thoſe matters, ii. 131.
Characters, of ſome particular perſons, why given, ii. 95.
Charles II. his gift to the town of Lyme, i. 227. His juſtice

and clemency in the proceedings againſt the Rye plotters, i. 209. His ſpeech to the Lord Chief Juſtice North, to deſire him to perſuade his brother to ſtand, ii. 16. Publickly teſtifies his great opinion of his lordſhip's knowledge in the law, ii. 44. His ſpeech to his lordſhip, when penſive upon the Woolſack, *ibid.* Saying of his to the Lord Keeper North, when he delivered the great ſeal into his hand, ii. 68. Of his preſenting a ring to Jeffries, ii. 147. Conſequences as to him, if the motion of Jeffries about recuſants had ſucceeded, ii. 151. Never failed going to Lord Keeper North, at whatſoever time he went to court, and ſent to his Majeſty, ii. 169. Began to look into buſineſs, and the ſtate of his treaſury, more than formerly, and why, ii. 181. Impatient to have Wincheſter houſe finiſhed, ii. 182. How he ſaved himſelf from ruin, after ſo many errors in government, *ibid.* Falſely accuſed of cruelty, *ibid.* His ſickneſs and death, *ibid.* Particular reaſon againſt his being poiſoned, ii. 184. Saying of his to the Lord Keeper North, when he interceded for favour to one that was obnoxious, ii. 313.

Charleton, Sir Job, hard uſage he received from Jeffries, ii. 102.

Charters, of the regulation of them, ii. 102.

Chiffinch, Will. who, ii. 98.

Choice of books, i. 24.

Chute, Chaloner, ſome account and character of him, i. 13. Gave the admiſſion fees to young Mr. North, i. 14.

Chute, of two younger brothers, of that name, that were taken care of by his lordſhip, ii. 208.

Circuits, ſome account of them, i. 224.

Claypole, Mr. who, i. 290. Of his buſineſs with the Lord Chief Juſtice North, *ibid.*

Clerkſhip, a proper way, by which to enter upon the ſtudy of the law, i. 29.

Clerks, Six, in Chancery, defeated in their deſign, when they made a preſent to the Lord Keeper North, ii. 246.

Coal, of the Candle coal, i. 278.

Coalmines, of a drain made to one by Sir William Blackett, i. 265.

Coffee-Houſes, of the deſign in putting them down, i. 298.

Coin, ſcheme for the reformation of it, firſt ſet on foot by Sir Dudley North, ii. 15.

Coke, Lord Chief Juſtice, of his comment upon Littleton i. 21.

Coke, Mr. of Norfolk, ſucceeded Sir Francis North in the burgeſhip for Lynn, at a vaſt expence, i. 176

Coleman, Mr. who, i. 82. Cotemporary and friend of his lordſhip, *ibid.* Character of him, *ibid.*
Commonplace, of commonplacing in the ſtudy of the law, i. 22.
Commons, Houſe of, whether they have a right to impeach a commoner capitally, in the houſe of lords, or not, ii. 9.
Company, effects of both good and bad to young people, i. 17.
Concilium, *magnum in parliamento*, who it conſiſted of, ii. 7.
Conway, Lord his character, ii. 137.
Copyholds, difficulties about them, i. 34. Hard caſe of many of them, *ibid.* Reaſon for aboliſhing that tenure, *ibid.*
Cornwall, of the Corniſh men, i. 233.
Coventry, Mr. Secretary, great credit he had in the houſe of commons, i. 171.
Council, Cabinet, original of it, ii. 133. Poſture of it when his lordſhip was introduced there, ii. 136.
Counſel, how unfair falſe counſels are, ii. 59.
Counſellors, of State, memento worthy of their attention, ii. 333.
Country Keepers, of a ſort of people ſo called in the North, i. 270.
Court-keeping, benefit of it, i. 34.
Craven, Lord, account of him and his whiſperings, ii. 50.
Criſp, Mr. of his proſecution by Jeffries, ii. 106.
Crompton, Mr. Charles, character and hiſtory of him, ii. 300.
Crown, its power, by law, not enough in King Charles the Second's time, ii. 160.
Cuſtoms, difficulties about collecting them, under Jam. II. before the parliament ſat, ii. 188.
Cuts, and Pickering, account of their caſe, i. 106.

D

Dacres, Lady, quarrels with his lordſhip, and why, i. 83. Her ladyſhip's cruel behaviour to him, i. 84.
Danby, Earl of, impeached, ii. 2. His errors, *ibid.* Caſe of his pardon conſidered, ii. 3. Whether he might have been bailed by the King's Bench or no, ii. 5.
Days, hiſtory of the dumb day in Weſtminſter-Hall, i. 195.
Dee, Sir Simon, the view he had in dedicating his book to Dr. Woods, biſhop of Litchfield, i. 280.
Denual, Sir Ralph, his ſolicitations in favour of Sir Thomas Overbury, i. 206. Of a colony, called by his name, i. 208.

INDEX.

Design, of the author, i. i. and i. 1.
Devenish, Mr. Henry, his good behaviour, whilſt regiſter, i. 82.
Devonshire, of their dialect, i. 213.
Disputants, maxim amongſt them, ii. 54.
Docwra, who, ii. 99.
Dorset, Earl of, his anſwer to the king, who aſked what my Lord Craven whiſpered in his ear, ii. 51.
Duke, Mr. who, i. 225. Called Spirit Po, why, *ibid.* Entertains the judges, *ibid.*
Duncomb, Sir John, his obſervation of the lawyers, ii. 302.
Durham, of that church and town, i. 263.
Duty, of that upon tobacco and ſugars, granted to King James II. ii. 188.

E

Earl, Serjeant, his way of living and keeping of his accounts, i. 70.
Elzcomb, Mount, ſome account of it, i. 231.
Ely, Iſle of, ſome account of that court, i. 73.
Erasmus, obſervation of his upon the Engliſh lawyers, i. 184.
Evelyn, Mr. his agreeable entertainment of his lordſhip, ii. 252.
Exclusion, bill, his lordſhip's opinion of it, ii. 8.
Eyer, the nature of it, i. 77. Why K. Charles II. proclaimed a teſtimony of it, *ibid.*

F

Faction, Note of ſome deſigns of theirs after the revolution, i. 105. Their deſign, if his lordſhip's judgment in Soame's caſe, had been reverſed, *ibid.* Short character of them, ii. 24. Impudent aſſertion of theirs, about forces ſent into Scotland, ii. 31. Other impudent aſſertions of theirs, taken notice of by his lordſhip, ii. 57. Uſe they made of the king's proclaiming a ring to Jeffries, ii. 146.
Fanatic, of ſome fanatic news letters wrote by Coleman, i. 281.
Finch, Sir Heneage, his anſwer to the benchers of the Middle Temple, about the old cloiſter walks, i. 25.
Fines, of thoſe of infants, i. 199. Of ſome vacated for infancy, i. 202. Nature and antiquity of them, i. 203.
Fitton, of him and his caſe, ii. 89.
Flamstead, Mr. favours he received from the Lord Keeper North, ii. 253.

Foley, Mr. Paul, of his learning and notions, i. 292. His behaviour in parliament, with regard to Lord Chief Juſtice North, *ibid.*

Forests, now neglected, and why, i. 77. Benefit that would accrue to the crown, if they were preſerved, *ibid.*

G

Government, what care it ought to take, who are truſted as judges in caſes of importance, ii. 120.

Glyster, of a particular way of giving one to one's ſelf, invented by Sir Samuel Moreland, ii. 270.

Godolphin, Sidney, his character, ii. 138.

Governors, apt to miſtake in their notion of power and its conſequences, ii. 160.

H

Hacket, Biſhop of Litchfield, by what means he repaired his cathedral, i. 280.

Hales, Lord Chief Juſtice, ſaying of his about Sir Francis North, i. 80. Why partial in the trial between Cuts and Pickering, i. 110. His great learning and his failings, *ibid.* His behaviour at trials, i. 112. Seemingly courageous, but really fearful, i. 114. Taken out of the law, an empty pretender, i. 115. Unfortunate in his family, and why, *ibid.* Open to flattery, 116. Why ſo much cried up as an oracle, i. 118. His lordſhip's notes of him explained, i. 119. His piece of advice to the Duke of of Beaufort, whilſt he was building his great houſe, i. 260.

Hales, Sir Edward, ſhort account of him, ii. 327.

Halifax, Marquis of, character of him, ii. 136.

Harbours, of thoſe in the Weſtern channel, i. 229. Of that of Pool, *ibid.* Of that of Plymouth, i. 231.

Hays, proſecuted for high treaſon, and acquitted by Jeffries, ii. 107.

Heraldry, what that means among the chancery officers, ii. 56.

Hexham, ſome account of that town, i. 272.

Hicks, Dr. his character of Lord Keeper North, ii. 311.

Holt, Lord Chief Juſtice, corrects a ſcandalous paſſage in the preface to Pollexfen's reports, i. 104.

Honesty, the beſt policy, i. 39.

Hoskins, Sir John, his character, ii. 219.

INDEX.

I.

James II. makes intereſt with the Lord Keeper North, in favour of Fitton, ii. 90. The great affection he bore to his lordſhip, ii. 223.

Jeffries, Sir George, his ill uſage of Lord Keeper North, about the Duke of Norfolk's caſe, ii. 93. Short account of him, *ibid.* Recorder of London, how, ii. 98. Duke of York's ſolicitor, ii. 99. Carried a cauſe againſt Docwra, *ibid.* Left the recorderſhip for fear, ii. 100. Aimed to be chief juſtice of the Common Pleas, againſt Sir Thomas Jones, *ibid.* Got to be chief juſtice of Cheſter, againſt Sir Job Charleton, ii. 101. Contrives a fictitious greatneſs, to make a ſhew of power, ii. 102. Puſhed the *quo warranto's*, &c. into diſuſe, ii. 103. Prevailed to have all the city affairs committed to him, ii. 106. Diverſe matters furiouſly driven by him, *ibid.* Of his proſecuting Mr. Criſp, *ibid.* Of his proſecuting Roſewell, *ibid.* Of his acquitting Hays, *ibid.* Pleaſed with a gaſconade of his client Verdon, ii. 109. Eſpouſed the intereſt of the Eaſt India company, ii. 109. Introduced Pollexfen, ii. 110. Rated the citizens of Briſtol for kidnapping, ii. 111. Saying of his to them, ii. 112. Releaſed Sir Robert Cann with a reproof, ii. 112. Introduced Sir John Trevor, ii. 113. Undertook to bail the lords, but durſt not, ii. 115. Diverſe odd paſſages of him, *ibid.* Summary of his character, ii. 116. His uſage of an attorney, and a conceit of his, ii. 118. Uſage of a poor Wapping ſcrivener, *ibid.* Diſcovered in a cellar after the revolution, by that ſcrivener, ii. 119. Made a motion for the general delivery of all thoſe who lay under commitment for recuſancy, ii. 148. Triumphed when Sir Robert Wright was made a judge, ii. 174. Came to council drunk, and inveighed againſt trimmers, ii. 179. His deſign of bringing the buſineſs of Smith and Baily before the king, *ibid.*

Jenkins, Sir Leoline, his character, ii. 127. Quits to Godolphin, ii. 140. The great value of that miniſter, *ibid.* The king's affairs went backwards after he quitted, and why, ii. 145.

Inſcriptions, monumental, uſe of them, i. 159.

Jones, Sir Wm. flirts at Sir Francis North, upon his giving anſwers in the court of King's Bench for the attorney general, i. 60. Some miſtakes that might ſit heavy upon his mind, i. 96. Reaſons of the viſits he made to Sir Francis North now and then, i. 97. Saying of his of

Sir Matthew Hale, i. 116. Threatened for drawing the proclamation againſt coffee-houſes, i. 298.
Judges, excuſe for their paſſive behaviour in the trials for Oates's plot, i. 293.
Juſtice, chief of the Common Pleas, keeper of the records and treaſury, i. 187.

K

Keeble, of his tables to his ſtatute book, i. 21.
Kemish, Sir Charles, character of a Welſh ſteward of his, ii. 303.
Keiling, how he firſt diſcovered the Rye plot, i. 42.
Kendal, in Lancaſhire, account of that town, and the trade of it, i. 276.
Kidnapping, at Briſtol, what, i. 111.
King, Sir John, his character, ii. 260.
Knave, how ſuch a man would go about to manage his adverſary, ii. 54.

L

Lancaster, Duchy of, ſome account of that court, i. 73. Account of that duchy, i. 277.
Lauderdale, Duke of, how he diſcovered to the Lord Chief Juſtice North, that the Weſtminſter parliament would be diſſolved, ii. 33.
Law, of commonplacing in the ſtudy of it, i. 20. Neceſſity of regulations in it, i. 209. Of the repeal of the penal laws, ii. 197. Of the teſt laws, ii. 335.
Lawyer, uſe of putting caſes, to him, i. 19. Art of ſpeaking to be eſpecially cultivated by him, i. 25.
Lee, Lady Elizabeth; of her pretenſions to the fortunes of the coheireſſes of the Earl of Down, i. 153.
Lely, Sir Peter, of him, and his acquaintance with his lordſhip, ii. 279.
Libels, of the method taken to get the better of them, i. 299.
Litchfield, how that cathedral was repaired, i. 279.
Longueville, Mr. William, his character, ii. 260.
Lovelace, Lord, his advice to his lordſhip, ii. 28.
Lumly, Park, of the coal mines there, i. 261.
Lyme, in Dorſetſhire, deſcription of the Cob there, i. 227. The way of loading and unloading veſſels there, i. 228.

M

Macclesfield, Earl of, his resentment of a piece of justice done him by his lordship, ii. 93.
Magistrate, Hardships and comforts attending one that is upright, i. 106.
Maintenance, of separate maintenance provided for in marriage articles, i. 162.
Marriage, his lordship's inducements to it, i. 145. Why the author is so particular about it, i. 144. Of the several propositions made him, and where he fixed at last, i. 146.
Matthews, Mr. who, i. 13.
Maynard, Serjeant, admirer of the year-books, i. 26. Of a comical action he brought against a poor man, i. 220. His character, i. 222.
Mew, Bishop of Winchester, his saying of my Lord Chief Justice North, i. 225.
Middleton, Tower, in Norfolk, description of it, i. 282.
Mind, Effects of a disorder in it, i. 202.
Ministry, of state, their intrigues when his lordship was made attorney general, i. 166.
Money, that it never will long be wanted, nor abound in any country, ii. 14.
Mordaunt, Heir of a family of that name in Bedfordshire, taken care of by his lordship, ii. 286.
Moreland, Sir Samuel, of his static barometer, ii. 266. His devices, and of his kitchen, ii. 269. Of a particular way of giving one's self a clyster, invented by him, ii. 270.
Morton, of an hill called Morton-Pike in Lancashire, i. 276.
Moor, Sir Jonas, account of him, ii. 252.
Mountagu, Sir William, displeased at his lordship, and why, i. 183.

N

Newcastle, upon Tyne, why that continues a seaport still, i. 233. Some account of that town, i. 264.
Norfolk, Duke of, his case against Esme Howard his brother, ii. 93.
North, Sir Francis, his parentele, &c. Pref. p. viii. Nothing said of him in history, and why, vii. His writings how disposed, i. 9. School education, i. 10. How he prayed by the spirit, *ibid.* Removed to Bury, i. 11. Made a

collection of the verbs neuter, i. 12. Admitted of St. John's college, Cambridge, *ibid.* Character, and the proficiency he made in his ſtudies there, *ibid.* Benefited much by one Mr. Matthews, i. 13. Admitted of the Middle Temple, *ibid.* Carried on the ſtudy of polite literature, along with that of the law, i. 15. Uſe he made of muſick, *ibid.* Declined bad company, i. 16. Confined his way of living to his condition, i. 18. Attended his grandfather in the country, i. 19. Benefit he had from thence, *ibid.* Uſed commons in the hall, and putting caſes, *ibid.* Poverty made him a lawyer, i. 20. Benefit of Mr. Attorney Palmer's favour, i. 23. His choice of books, i. 24. Diſcourſed at night, of what he had read that day, i. 25. His attendance on the courts of juſtice, i. 30. Conſtant reporter, i. 31. Uſed much the law French, and why, i. 31. Attended the moots, *ibid.* Applied to court-keeping, i. 32. Saying of an old family-ſteward to his lordſhip, i. 33. Managed a law ſuit for his father, much to his ſatisfaction, i. 35. The like for his grandfather, i. 36. Vindicated from his grandfather's ſuſpicions, i. 38. Concerned in a family revolution, i. 39. Diverſions in the country, i. 45. Character of him in the firſt ſtage, i. 44. Went ſometimes to hear Hugh Peters, i. 47. Called to the bar, i. 47. Made no buſtle to get practice, i. 48. His allowance from his father, reduced from 60*l.* to 50*l.* a year, i. 49. His father's anſwer to his letters about it, i. 49. Carried a cauſe for one Stutvile, i. 50. Provided a practiſing chamber, i. 51. Lent his brother Dudley a ſum, i. 52. Correſponded with his brother Dudley, i. 53. Love to his brother John North, i. 55. Solicitous about his health, i. 56. His great encreaſe of buſineſs, i. 57. Reaſon why he took fees of his relations, *ibid.* Great intimacy with the Palmer family, i. 58. Loſs of his ſiſter Mary, i. 59. Loſs of Mr. Edward Palmer, i. 59. Serviceable to the attorney general, i. 60. Argued for the king againſt Hollis, i. 61. Why no body would undertake it, i. 62. Made king's counſel, how, i. 62. Uſed the Norfolk circuit, i. 63. His conduct in cauſes whilſt young, i. 71. Chairman of the commiſſion for dividing the fens, *ibid.* His prudent management there, i. 72. Conſtituted judge of the Iſle of Ely, i. 73. Demanded the cognizance of a cauſe from Weſt. Hall, *ibid.* Regulated the practice of that court, i. 75. Attended in the tier on Lord Oxford, i. 76. In favour with the Lord Chief Juſtice Hyde, i. 78. His art in getting credit with the judges, *ibid.* Careful

to be well inſtructed, i. 81. His good advice to Lady Dacres, i. 83. His obliging carriage to her, i. 84. His art in a trial about tythes, i. 85. Surpriſed into a debauch, and how, i. 88. His account of himſelf when drunk, i. 89. Moderation in drinking, i. 89. Forced ſometimes to drink more than he liked, as once at Lord Sandwich's, i. 90. How he paſſed his leiſure time, i. 91. Solicitor general, and dropped circuits, i. 92. Oppoſed by Mr. Jones, *ibid.* His note of that paſſage, i. 93. Attended chiefly at the Chancery, and why, i. 98. Neglected no opportunity of encreaſing his knowledge, i. 99. Read Littleton all over every Chriſtmas, and why, i. 99. Chief in practice, reputation and truſt, i. 99. Obſervations upon the proſecution of him for his judgment in the caſe of Soams and Bernardiſton, i. 100. His argument, printed, and why, i. 103. His notes upon the actions of Lord Chief Juſtice Hales, i. 120. Recovered an eſtate for St. John's college in Cambridge, i. 130. Good conveyancer, i. 132. His methods of diſpatch, i. 133. Aſſiſted a relation with his draughts, i. 136. Happily corrected his father's will, *ibid.* Read publickly upon fines, i. 139. Deſired to marry, and why, i. 143. After ſeveral diſappointments, married the Lady Frances Pope, i. 150. His œconomy when ſettled, i. 154. Cauſed Serjeants-Inn Hall to be rebuilt, i. 155. Cauſed a drain to be made from his houſe to Fleet-Street, i. 156. Took an houſe in Hammerſmith, why, *ibid.* Diſpoſition of his children after his lady's death, i. 160. Choſen member for Lynn, at firſt without oppoſition, i. 162. Oppoſed afterwards by Sir Simon Taylor, i. 164. Made attorney general, i. 169. Great gains when attorney, i. 170. His money, how diſpoſed of, i. 171. Loved to have a friend near him, whom he might have recourſe to when he pleaſed, *ibid.* Uneaſy at his attendance at court, and why, i. 172. His behaviour whilſt he was in the king's ſervice, i. 173. Improved himſelf in the knowledge of men, whilſt in the houſe of commons, i. 177. His virtuous courſe of life while ſingle, and when married, i. 179. Friend to ſtudents, and a virtuoſo, i. 180. His univerſal inclination to improve, i. 181. Underſtood the European languages, i. 181. Noted whatever occurrences he met with, worth regarding, i. 181. Made lord chief juſtice, i. 182. Forced to diſoblige Sir William Mountagu, i. 183. His ſenſe of the grant to Lord Berkley, i. 187. Sets up *ac etiams* in the Common Pleas, i. 190. Would not allow coſts to attornies in *propriums*, i. 194. Againſt

recoveries of infants, i. 198. Vacated ſome fines for infancy, i. 202. His account of the green-wax project, i. 205. Solicitous againſt all abuſes, i. 208. Concerned in the ſtatute of frauds and perjuries, i. 209. Clearly for a regiſter, i. 210. His reaſons for it, i. 211. Endured no diſcourſe of cauſes depending before him, i. 213. His conduct in trials, i. 214. His temper in detecting frauds, i. 216. Supplanted the arts of counſel, how, i. 217. His intereſt in the Weſt, i. 224. Choſe the Weſtern circuit, and why, i. 224. Entertainment at Mr. Duke's, i. 225. Much reſpected in the Weſt, i. 226. Entertained by Sir Richard Edgcomb, i. 232. His letter to Secretary Jenkins, i. 241. Called before the houſe of commons about Bedloe, i. 245. His cautious behaviour while chief juſtice in the circuit, i. 246. Dreaded trying a witch, i. 250. His entertainment at Newcaſtle, i. 264. How attended through Northumberland, i. 272. Reconciled a feud in Cumberland, about the ſeſſions, i. 274. His conduct in College's trial, i. 284. Of the great uſe the going of the circuits was to his lordſhip, i. 286. His principles and converſation, i. 287. His endeavours to undeceive his friends, with regard to the lies ſpread about of the king, i. 288. Caution habitual, *ibid.* His great regard to Sir Jeofry Palmer's family and friends, i. 291. Surpriſed into a factious dining cabal, how, i. 294. His opinion about libels, i. 299. Thought that Oates's plot might be checked by a pamphlet, i. 302. Penned ſome inſtructions purſuant to that deſign, i. 303. Concluded the plot to be a cheat, why, i. 305. Concerned in no trial but that of Nat. Reading, *ibid.* Afflicted at the caſe of Lord Stafford, i. 307. Penned the declaration, i. 311. Made a privy counſellor, and taken into the cabinet, ii. 1. His opinion of the bailing of the Earl of Danby, ii. 5. His thoughts of the *magnum concilium in parliamento*, ii. 7. His opinion of the excluſion, ii. 8. His arguments to perſuade his brother Dudley to hold ſheriff, ii. 16. His generous propoſition to Sir Dudley, ii. 18. Attended at Guildhall during the election of ſheriffs, ii. 20. Reſolved ſome doubts of the lord mayor, in a generous manner, ii. 21. Chief pilot and conductor in all theſe affairs, ii. 23. His anſwer to Mr. Soams, who adviſed him to go to the houſe of commons, and give up his petition, ii. 27. The like to Lord Lovelace, upon the ſame account, ii. 28. His humanity to Sir Creſwell Levins, ii. 30. Friendſhip with the Duke of Lauderdale, ii. 33. Adviſes the king to publiſh a declaration of his reaſons for the diſſolution of the

little Weſtminſter parliament, ii. 39. His cautions to the king in all the examinations about the ſham plots, ii. 41. His prudent adminiſtration, ii. 42. Difference between him and Lord Rocheſter, about preferring perſons, ii. 42. His abilities and intereſt at court, ii. 44. His account of the diſpoſal of the place of prothonotary, ii. 47. Sat as ſpeaker in the houſe of lords, ii. 49. How reſpected at court, about the time he was made lord keeper, ii. 50. Obſerved himſelf to be taken for a riſing man at court, and why, *ibid.* Carried himſelf ſteadily, as judge and privy counſellor, ii. 51. Coerced all paſſion, though inclined, ii. 52. His care when he found his paſſion riſing, ii. 54. How he uſed to turn it off, when any thing made him angry, ii. 55. Coerced impudence in counſel, ii. 56. His judgment of the prerogative, ii. 60. Turned trimmer, how, *ibid.* Orthodox, juſt, and conformable, ii. 62. In great credit with the jury, whilſt chief juſtice, ii. 63. Friendſhip to Lord Nottingham, ii. 64. Intelligence given him of his being made keeper, ii. 65. Reaſons *pro* and *con*, whether he ſhould accept it, ii. 66. Determined not to accept, without a penſion, and why, ii. 67. Accepted with a penſion, ii. 68. His paſſion at the ill uſage he received from the courtiers, *ibid.* He nevertheleſs created the king no trouble about it, ii. 69. Chancery eaſy to him, ii. 72. Senſible of the evils of that court, ii. 73. His method of introducing his amendments into the court of Chancery, ii. 75. Retrenched motions for ſpeeding and delaying hearings, ii. 77. Ordered the parties to ſhew the maſters any errors, ii. 77. Stopt the courſe of injunctions upon exceptions to an anſwer filed, ii. 79. Retrenched the ſuperſetation of interlocutory orders, ii. 80. Difficult about rehearings, *ibid.* His method of contending the regiſter's office, ii. 81. Why he did not publiſh a book of rules and orders at his entrance upon the chancellorſhip, ii. 82. Conſerved the rights of officers in all his regulations, ii. 83. Left reformation of offices to the parliament, and why, ii. 84. Had no vanity, but kept cloſe to truth, with all poſſible caution, *ibid.* Altered nothing but what he knew experimentally, ii. 85. Uneaſy about remanets, ii. 86. His care of the orders of the court, and preferring his reaſons, ii. 88. His behaviour in Fitton's cauſe, ii. 89. His behaviour under the ill uſage he met with from Jeffries in the houſe of lords, ii. 94. His deliberation about the places of the maſters in Chancery, ii. 131. His deſign to leave an hiſtory, ii. 133. His hiſtorical notes, ii. 134. His averſion to Lord Sunderland, ii. 139. His

thoughts upon Secretary Jenkins quitting to Godolphin, ii. 142. His ſenſe of the concern himſelf had, if Jeffries's motion about recuſants had ſucceeded, ii. 150. Oppoſed it alone, ii. 151. His directions to the judges, when he was ſpoke to once before, upon this affair, by the king, ii. 155. Why not he, but Jeffries, was ſpoke to again about it, ii. 156. His ſentiments] upon the other lords deſerting him in that affair, ii. 157. His political aim and rule of power, ii. 158. Saying of his to the king, about lenity and ſeverity, ii. 159. Excellency of this rule of his lordſhip's, ii. 160. Laboured to bring the court to act according to law, ii. 163. Good ſucceſs of his labours. *ibid.* Diſcerned the underminers at work, ii. 165. He was the laſt that ſtuck firm to King Charles the Second, *ibid.* Perceived the king grew weary of ſome new counſellors, *ibid.* His courſe of life, during his miniſtry, ii. 166. Managed at the council, and why, ii. 169. His attendance at court during that time, *ibid.* The king never failed to come to him whenever he went to court, and ſent to his majeſty, ii. 170. His advice to the king, when he mentioned Sir Robert Wright to be a judge, ii. 173. Made no broil at court, becauſe his advice was not followed, ii. 175. His advice in the matter of Smith and Bailey, ii. 179. Declined meddling with foreign affairs, and why, ii. 180. His opinion of King Charles's judgment in foreign affairs, ii. 181. His anſwer to a great man, about the king's death, ii. 187. His anſwer to Lord Rocheſter, about putting men into places, *ibid.* His prudent advice about the cuſtoms, 1ſt of James II. rejected, ii. 189. Got as many of his friends as he could, choſe into the parliament, and entertained them in his houſe whilſt the parliament ſat, ii. 191. What ſort of men he recommended, *ibid.* Not truſted to ſpeak to the parliament, ii. 192. His obſervation upon the attempt to repeal the penal laws, ii. 199. Put a ſtop to the fury of Jeffries in the Weſt, ii, 200. Taken ill, how and when, ii. 201. Diſpatched all that belonged to his place, notwithſtanding his illneſs, ii. 204. Bad effects of his taking the bark, ii. 205. His diſconſolate ſtate, under James II. *ibid.* Fancied himſelf out of countenance, *ibid.* Reſolution to quit the great ſeal, *ibid.* Had leave of the king to retire into the country with the ſeal, ii. 206. Sent down to Aſtrop, ii. 208. Of the family then with his lordſhip at Wroxton, *ibid.* His manner of living and amuſements at Wroxton, ii. 209. Difference of his behaviour, when he had hopes, and when he had none, *ibid.* His good humour declined with his ſtrength, ii. 212. His method of ſettling his laſt will, ii. 213.

Declined quickly upon leaving off Aſtrop water, ii. 214. Viſitation ſervice and ſacrament miniſtered to him in his ſickneſs, ii. 215. Uneaſy upon being left alone, ii. 216. His death, *ibid.* How he diſpoſed his penny poſt letters, ii. 217. Eager after the ſtudy of records, and why, ii. 218. His miniſtry leſs difficult, and more mortifying under King James than King Charles, and why, ii. 222. Why he would not throw up the ſeals, without his maſter's leave, *ibid.* His laſt piece of advice to the king, about the Prince of Orange, ii. 225. Not qualified for the latter times that fell to his ſhare, ii. 231. Got to be made a baron, why, ii. 232. Why he applied to the duke for it, ii. 232. Why he choſe Guilford for his title, ii. 234. Not ſlandered when young, and not covetous, *ibid.* When firſt calumniated by the faction, ii. 236. Advice given him by a brother-in-law, to keep a w——e, ii. 237. Repulſed a treacherous handle that was held forth to him, ii. 238. Calumny againſt him kept under, till James II's reign, ii. 239. His reſentment of a lye diſperſed about his riding upon a rhinoceros, ii. 240. Denied a writ for a bill of exceptions in the rioters caſe, ii. 242. Denied a writ of error in the caſe of Armſtrong, and why, ii. 244. Of a preſent made him by the ſix clerks, ii. 246. An early virtuoſo, ii. 248. Refuſed being made fellow of the royal ſociety, and why, ii. 251. His kindneſs to Mr. Flamſtead, ii. 253. Conſidered the ſtate of the bladders of fiſhes, ii. 264. His paper approved by the virtuoſi, ii. 266. His anſwer to Sir Samuel Moreland's ſtatick barometer, ii. 266. Dined with Sir Samuel, ii. 269. His uſe of, and great delight in muſick, ii. 271. Compoſed ſome conſort muſick, ii. 273. Wrote a philoſophical eſſay on muſick, and his notion, ii. 274. His ſcheme purſued by the virtuoſi, ii. 277. Judge of picture and perſpective, ii. 278. Acquainted with Sir Peter Lely, ii. 279. Kind to young people, ii. 281. His care of a branch of the Mordaunt family, ii. 286. His care of the family of the Trochees, ii. 287. His kindneſs to Mr. Gilbert North, *ibid.* His care of two younger brothers of the Chute family, ii. 288. His view in all his benevolences, ii. 289. His kindneſs to his youngeſt brother, ii. 290. His bounty to his brother Montagu, ii. 292. Procured a match for his ſiſter Anne, with Sir Robert Wiſeman, ii. 293. Procured a match for his ſiſter Elizabeth, with Mr. Foley's ſon of Worceſterſhire, *ibid.* His kindneſs to that young gentleman, ii. 297. Note of the family of the North's being ſtiled by his lordſhip, ii. 299. His kindneſs to Mr. Charles Crompton,

ii. 300. Redeemed Sir Charles Kemiſh out of the hands of an old uſurer, ii. 303. Saved Sir Peter Lely's eſtate from being an eſcheat to the crown, ii. 304. His letter to Col. Werden, to beg a ſmall eſtate of the Duke of York for Sir Peter Lely's ſon, ii. 305. Endeavoured to preſerve a livelihood to a poor widow woman, ii. 308. Benevolent to the clergy, ii. 310. Never begged any forfeited eſtates, ii. 314. Way of paſſing his time in private, ii. 314. Indulgent to his ſervants, ii. 315. Why he did not marry again, ii. 317. Repented his not doing ſo, and why, *ibid.* His œconomy after he had the ſeal, ii. 318. Remarkable character of a gentleman waiter, ii. 319. His privacy and ſolitudes, *ibid.* Way of maſtering his paſſions, ii. 320. His note of a certain tranſaction at court, ii. 322. Queries touching devices of his enemies, ii. 323. His reflection upon his perſon and ſtate, after King Charles II^d's death, ii. 328. Paper concerning King James's proroguing the parliament, ii. 335. Reaſons for inſerting the foregoing notes, ii. 341. His reſolution and profer to reſign the ſeals, ii. 342. Summary character of him. ii. 344.

North, Lord, his lordſhip's grandfather; ſcheme of his to catch his grandſon Frank, i. 38. Cuts his grandſon Frank off of an annuity of 20*l.* a year, i. 42. His character, i. 42. Letter of his to Frank, i. 44.

North, Sir Dudley, his lordſhip's father; his dutifulneſs to the old lord, i. 41.

North, Sir Dudley, his lordſhip's brother; ſome account of him, and his firſt ſetting out, i. 52. His arrival from Turkey, ii. 110. His idolatrous reſpect for Oates, ii. 11. His diſcourſes moſt agreeable to his lordſhip, ii. 12. Determines to hold ſheriff, ii. 18.

North, Mary, his lordſhip's ſiſter, her character, i. 58.

North, Dr. John, made chaplain to the Duke of Lauderdale, ii. 34. His death, ii. 35.

North, Mr. Robert, account of him, ii. 281. His kindneſs to his ſiſters, *ibid.* Made clerk to his lordſhip's father, ii. 282. How his family was diſcovered, *ibid.* Made chief officer to his lordſhip, when judge of Ely, *ibid.* Made clerk of the confeſſions, ii. 284. His unwillingneſs to go to London, *ibid.* Made ſeal-bearer to his lordſhip, ii. 285. Apology for being ſo particular about him, *ibid.*

North, Mr. Gilbert, ſome account of him, ii. 287.

North, Roger, great favours he received from his lordſhip, ii. 289.

Nottingham, Earl of, his direction to a ſtudent, i. 25. His ſaying of the Common Pleas, i. 29. His diſeaſe, ii. 49.

His character as a chancellor, ii. 74. His ſlight of the opinion of the three chiefs he called to his aſſiſtance in the Duke of Norfolk's caſe, ii. 93. Shift of his about ſetting the ſeals to Danby's pardon, ii. 153.

O

Orator, Character of a good one, and the reaſon, i. 177.
Organ, of the great one at Exeter, i. 230.
Ormond, Duke of, ſhort character of him, ii. 138.

P

Palmer, Mr. Edward, who, i. 59. Intimate with Sir Francis North, *ibid.* How the acquaintance began, *ibid.*
Palmer, Sir Jeofry, converted his lady from popery, to the church of England, i. 66.
Pamphleteers, could find no ſubject of calumny againſt his lordſhip, ii. 236.
Papiſts, take umbrage at his lordſhip's decree in Fitton's caſe, ii. 90.
Parliament, Little Weſtminſter, why it was diſſolved, ii. 36.
Paſſion, a ſymptom of truth, ii. 54.
Pemberton, Lord Chief Juſtice; his beginnings bad, and authority abuſed, ii. 122. Mortified an attorney to death, ii. 123. Adviſed in a fraudulent conveyance, ii. 124. Removed why, and when, *ibid.*
Pembroke, Counteſs of, ſhort account of her and her way of life, i. 273.
Pet, Sir Peter, account of him, i. 47.
Petitions, of thoſe called tumultuous, ii. 25.
Pickering, Mr. married to Sir John Cuts's aunt; account of him, and his eraſing a part of a will, i. 196.
Picts, of the wall called the Picts, i. 271.
Pleading, ancient and modern method of it, i. 28.
Pleas, the Common, why not removed in Sir Orlando Bridgman's time, i. 185. Of the officers of that court, *ibid.* Of the contention for juriſdiction between that and the King's Bench, i. 188. *Ac Etiams* ſet up there, i. 190.
Plymouth, of the harbour there, i. 231.
Pollexfen, Judge, his character, ii. 110. His behaviour in the Weſt, ii. 111.
Pope, Lady Frances, who, i. 160. Married to Sir Francis North, *ibid.* Her illneſs and death, i. 157. Her funeral monument, i. 158.
Port, Towns, far from the ſea formerly, and why, i. 232. Of that of Seaton Delaval, i. 266.

Porter, Sir Charles, lord chancellor of Ireland, account of him, ii. 261.
Post, Penny, how the crown came firſt into the revenue of it, ii. 98.
Practice, Benefit of a lawyer's not entering into practice too ſoon, i. 48.
Presbyterians, Means whereby his lordſhip might have gained them over to his party.
Prothonotary, to be appointed by the chief juſtice alone, ii. 47.

R

Radcliff, Dr. ſent for to his lordſhip in his ſickneſs, and his behaviour to him, ii. 215.
Radnor, Earl of, his character, ii. 136.
Readings, at the inns of court; manner of the entertainments at them, i. 141. The great benefit of thoſe exerciſes, *ibid.*
Rebellion, of that in Scotland, ii. 31.
Records, Uſe the faction made of them, ii. 220.
Recoveries, of thoſe of infants, i. 198.
Recusants, Reaſons againſt a general pardon of them, ii. 333.
Reformation, of the Engliſh way of reforming, ii. 105.
Regiſter, of eſtates, why gentlemen are ſo much againſt a regiſter, i. 210.
Remanets, in the chancellor's paper of cauſes, bad effects of leaving many of them upon the paper over night, ii. 86.
Reports, of modern ones, i. 27.
Revenue, about ſettling it under K. James II. ii. 197.
Right, of that called tenants right in Cumberland, i. 273.
Rochester, Earl of, what ſort of man he was for preferring, ii. 42. His cunning management to make his lordſhip ſue for the chancellorſhip, ii. 6. His character, ii. 138.
Rosewell, proſecuted by Jeffries, ii. 107.

S

Saunders, Lord Chief Juſtice, his character, ii. 125. Made chief juſtice of the King's Bench, ii. 128. Taken ill of a numb palſey, *ibid.*
Sawyer, Sir Robert, his character, ii. 255. Refuſed to paſs the *non obſtante's*, and therefore removed, ii. 256.
Scotchmen, ſent home into their own country to be tried, i. 310.
Scroggs, Sir William, his character, i. 295. Converted by Sir Francis North, i. 297. Of his lady and children, i. 297.

Seal, Great, carried to the king by his lordſhip's executors, ii. 216.
Sequeſtrations, in Chancery, the riſe of them, ii. 73.
Serjeants, Inn Hall, when rebuilt, i. 155.
Seſſions, of a feud in Cumberland, about the holding them between the Muſgraves and Lowthers, i. 274.
Seymour, Mr. Edward, his character, ii. 134.
Shaftsbury, Earl of, why he was made lord chancellor, i. 166. Short character of him as chancellor, *ibid.*
Shaw, Sir John, who, i. 88.
Short, Dr. his advice in his lordſhip's illneſs, ii. 204.
Smarthwait, Zacharias, chief clerk to his lordſhip, turned away, and why, ii. 315.
Smith, Aaron, impudent ſpeech of his at College's trial, i. 284.
Smith, and Baily, juſtices, of their quarrel, ii. 179.
Soams, Mr. goes with a piece of advice from the Lord Sunderland to his lordſhip, ii. 175.
Solicitor, General, in what things that office is co-ordinate with the attorney, i. 139.
Speculums, what, and his lordſhip's uſe of them, ii. 321. One about his reſigning the ſeal, ii. 329. Another entitled Magnum, ii. 329. One relating to his ſucceſſor, *ibid.* One of a private ſtate, *ibid.*
Sprat, Biſhop of Rocheſter, of his recanting his hiſtory of the Rye plot, and laying it upon the Lord Keeper North, after the revolution, i. 312.
Stafford, Earl of, his caſe, i. 307.
State, the, quietly ſettled under King James II. ii. 186.
Stevens, Dr. who, his character of Mr. North, i. 11.
Steward, high, neceſſary in the trial of impeachments, ii. 7.
Stuteville, of Dalham, ſome account of him, and a cauſe he had, i. 50.
Sunderland, Earl of, his behaviour when introduced into the cabinet, ii. 139. Puts about a lye, how his lordſhip rode upon a rhinoceros, ii. 240.
Syderfin, Mr. who, i. 134. His character, i. 135.

T

Taylor, Sir Simon, oppoſed his lordſhip at Lynn, i. 164. Signed the return, *ibid.* Oppoſed Mr. Coke there, but perſuaded to give up, i. 176.
Temple, Middle, the benchers of that ſociety forced to make Mr. North one of them, i. 65.
Tenures, the taking them away, bad for the liberties of the people, ii. 161.

Times, the, ſtated, when his lordſhip was made attorney general, i. 166. State of them when his lordſhip was made privy counſellor, ii. 36.
Trade, that it is, like the ſea, univerſal, ii. 13. Of the prohibiting trade with any country, *ibid.*
Trapans, of ſome that were laid to catch his lordſhip, ii. 26.
Treasury, Clerk of, in whoſe diſpoſal by law, i. 187. Patent for that place void in law, i. 188.
Treby, Sir George, ſhort character of him, ii. 100.
Trevor, Sir John, his character, ii. 113. Falls out with Jeffries, ii. 114
Trial, at the bar, called the trial of the Lord Chief Juſtice North, ii. 45.
Triumvirate, of the famous one in King James IId's time, ii. 104.
Trochee, a family taken care of by his lordſhip, ii. 287.
Turner, Sir Edward, loſt much of his authority as ſpeaker, and why, i. 94. Reſigned that place, why, *ibid.* Made chief baron of the exchequer, *ibid.*
Tyrrel, the hiſtorian, acquainted with his lordſhip, how, i. 294.

U

Verdon, Samuel, who, ii. 109. Taken into cuſtody by order of the houſe of commons, *ibid.* His behaviour under the arreſt, *ibid.* Sues the ſerjeants men for battery, *ibid.* Gaſconade of his, *ibid.*
Vindication of the miniſtry, at the time of the Rye plot, i. 314.
Virtuosi, approve of a paper wrote by my lord keeper, upon fiſhes bladders, ii. 266.
Undertakers, a party in the houſe of commons ſo called; ſome account of them, i. 174.
Union, the advantage reaped by the countries bordering upon England and Scotland, i. 269.

W

Waller, Serjeant, ſome account of him, i. 23.
Wars, green, account of that project, i. 204. Failed, and why, i. 207.
Wadeaves, to a coal mine; ſhort account of them, i. 268.
Weld, Mr. who, ii. 251.
Well, of the burning well in Lancaſhire, i. 278.
Wells, of that city, i. 233.
Werden, Sir John, ſome account of him, ii. 251.

Whig, and Tory, of thoſe names, ii. 61.
Whitmore, Mr. who, i. 85. Of his fancy not to pay tithes, *ibid.*
Willis, Maſter of a ſchool at Iſleworth; account of him and his wife, i. 10.
Wiseman, Sir Robert, who, ii. 293.
Witches, of a couple hanged at Exeter, i. 251. Of one acquited at Saliſbury, i. 253.
Wizzard, of the trial of one before the Lord Chief Juſtice North, i. 253.
Woods, Biſhop of Litchfield, how forced to repair his palace there, i. 280.
Wright, Serjeant, made judge, contrary to his lordſhip's advice, ii. 173. His character, *ibid.*

Y

Year-books, Uſe of them, i. 27.
York, of that church and town, i. 262.
York, Duke of, introduced into the cabinet council,
Youth, Hazards and advantages in the inſtitution of them, i. 17.

FINIS.

W. Flint, Printer, St. Sepulchre's.

00023572

Digitized with financial assistance from the
Government of Maharashtra
on 21 October, 2015